



U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

August 15, 2024

Dear Colleague:

The Justice Department (Department) is committed to working with our state and local partners in law enforcement and government to keep our communities safe while promoting fair access to housing.¹ To advance that goal, this letter highlights rental housing protections under federal law and provides information for law enforcement agencies and state and local governments on the application of federal law to certain programs, policies, and ordinances often referred to as “crime-free” or “nuisance” programs.

These programs have different features. They may, for example, encourage or require landlords to:

- evict, or impose other adverse housing consequences on, tenants and households based on tenants’ or guests’ alleged criminal activity, including through “crime-free” addenda to leases,²
- impose blanket rejections of rental housing applicants if background screening shows a criminal history or past calls for emergency or law enforcement assistance,³ or
- evict, or impose other adverse housing consequences on, tenants and households based on calls for emergency or law enforcement assistance.⁴

They may also:

- designate medical or disability-related calls for service as a “nuisance,” or publicize confidential medical information from a call for service.⁵

As the Department’s recent enforcement efforts demonstrate, these programs (including both mandatory and voluntary programs) may violate federal law. Our partners at the Department of Housing and Urban Development (HUD) issued prior guidance outlining the Fair Housing Act’s application to such programs.⁶ This letter provides information about the application of four federal statutes enforced by the Justice Department to such programs: the Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Violence Against Women Act. It also summarizes recent examples of the Department’s enforcement actions related to these programs. As illustrated by these examples, when law enforcement agencies or local governments adopt and implement public-safety initiatives, they must comply with federal law and its protections.

Prior to statutory changes and the Department’s recent enforcement actions, programs or ordinances referred to using the term “crime-free” were in effect in nearly 2,000 cities across 48 states.⁷ Over the last several years, states from California to Iowa have passed legislation prohibiting many features of such programs,⁸ and a number of municipalities have proactively repealed their programs.⁹ We encourage law enforcement agencies and local governments to

assess their programs referred to as “crime-free” or “nuisance” programs to determine whether they comply with federal law. The Department is available to work collaboratively with law enforcement agencies and local governments on these issues.

Introduction

Programs or ordinances referred to as “crime-free” or “nuisance” programs may violate four statutes enforced by the Department.¹⁰ Below is a summary of these four statutes, followed by examples of enforcement actions related to these programs brought by the Department and others.

I. Legal framework

A. The Fair Housing Act

The Fair Housing Act (FHA) prohibits conduct that has the purpose or effect of discriminating based on race, national origin, disability, sex (including gender identity and sexual orientation), or other protected characteristics.¹¹ It prohibits housing providers and others from:

- discriminating in the sale or rental of, or otherwise making unavailable or denying, a dwelling to any person on the basis of a protected characteristic,¹²
- discriminating in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, on the basis of a protected characteristic,¹³ and
- interfering with or retaliating against any person in the exercise or enjoyment of, or on account of any person exercising or enjoying, or aiding or encouraging another person in exercising or enjoying, any right protected by the FHA.¹⁴

The FHA applies to both public and private housing, and to the conduct of law enforcement agencies and local government.¹⁵

Programs or ordinances referred to as “crime-free” or “nuisance” programs may intentionally discriminate against protected groups, which violates the FHA. They may also have a disproportionate effect¹⁶ on certain groups overrepresented in the criminal legal system and rental housing market, such as Black and Hispanic individuals¹⁷ or individuals with disabilities¹⁸—which may violate the FHA. They may also negatively impact domestic violence survivors, who are disproportionately women,¹⁹ by punishing them for seeking emergency or law enforcement assistance²⁰—which may also violate the FHA.

As reflected in HUD’s guidance and the Department’s recent enforcement actions, programs that may raise questions under the FHA include ones:

- with criminal history-based restrictions,²¹
- based only on an arrest record,²²
- based only on a call for emergency or law enforcement assistance,²³
- that fail to provide for an individualized determination of purported safety concerns, including for individuals with convictions,²⁴

- that impose adverse housing consequences on an entire household,²⁵
- that provide substantial enforcement discretion that is then used to target certain people protected under federal law,²⁶ and
- that were adopted with discriminatory intent (e.g., limiting the Black or Hispanic population), which may be evidenced by the historical backdrop, including growing diversity or racial tension.²⁷

B. Title VI of the Civil Rights Act of 1964

Programs or ordinances referred to as “crime-free” or “nuisance” programs may also violate Title VI²⁸ if they involve discrimination on the ground of race, color, or national origin in programs and activities receiving federal financial assistance. For example, a city housing authority receiving federal funding may violate Title VI if it implements such a program only in predominantly Black communities.

The prohibition extends to contractors of recipients of federal financial assistance. A recipient may not absolve itself of its Title VI responsibilities by hiring a contractor to perform or deliver assistance to beneficiaries.²⁹ For example, if a city department of public safety receives federal funding and contracts for law enforcement services in implementing a “nuisance” program, the city department will be liable for violations of Title VI by its contractor.³⁰

In addition, a recipient may be further liable³¹ for violating its contractual Title VI assurances, which include a standard agreement to comply with the funding agency’s nondiscrimination requirements as a condition of receiving federal assistance.³²

C. The Americans with Disabilities Act

Programs or ordinances referred to as “crime-free” or “nuisance” programs may also violate the Americans with Disabilities Act (ADA), which prohibits discrimination against individuals with disabilities by public entities.³³ Among other things, the ADA prohibits public entities from, directly or through contractual, licensing, or other arrangements, on the basis of disability:

- denying people with disabilities an equal opportunity to benefit from their services, programs, and activities,³⁴
- denying people with disabilities the chance to participate or making them participate in different programs than available to others,³⁵
- failing to make reasonable modifications to policies, practices, and procedures where needed to make sure that a person with a disability can access their services, programs, or activities,³⁶ or
- otherwise limiting a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.³⁷

The ADA protects individuals from discrimination based on a known association or relationship with an individual who has a disability.³⁸ The ADA also protects organizations, such as residential service providers for people with disabilities, from discriminatory enforcement of local ordinances based on their known association with or relationship to individuals with disabilities.³⁹

Public entities include any state or local government and any department, agency, special purpose district, or other instrumentality of a state or local government.⁴⁰ Thus, the ADA protects individuals with disabilities from discrimination in all services, programs, or activities of law enforcement agencies and local government, including emergency response services.

Public entities may violate the ADA through programs that discourage and prevent individuals with mental health disabilities and those associated with them from using emergency services. As reflected in the Department's recent enforcement actions, programs that may raise questions under the ADA include ones that:

- threaten or impose penalties for calls for disability-related issues, including designating a medical or disability-related call as a nuisance,⁴¹
- publicize confidential information about individuals' disabilities,⁴² and
- fail to make reasonable modifications to avoid disability-related discrimination.⁴³

D. The Violence Against Women Act

In addition, programs or ordinances referred to as “crime-free” or “nuisance” programs may violate the Violence Against Women Act (VAWA).⁴⁴ Indeed, VAWA prohibits some such programs altogether, *regardless* of whether they discriminate based on race or other protected characteristics.

First, these programs may violate VAWA's protections, added in a 2022 amendment, for the “[r]ight to report crime and emergencies from one's home.”⁴⁵ This section protects individuals who request assistance or are victims of criminal activity or “otherwise not at fault.” The provisions in this section do not require any connection to domestic violence or violence against women. VAWA provides that “[l]andlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing . . . shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person”⁴⁶ In addition, this same set of persons “shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities.”^{47, 48}

Many of the penalties prohibited by VAWA for these protected activities frequently appear in such programs, including actual or threatened:

- criminal penalties,
- fines or fees,
- eviction,
- refusal to rent,
- refusal to renew tenancy,
- refusal to issue an occupancy or landlord permit,
- closure of a property, or
- designation of the property as a nuisance or similarly negative designation.⁴⁹

Second, such programs may also violate VAWA's prohibition on adverse housing consequences for survivors of domestic violence who are part of a “covered housing program”

(such as public housing).⁵⁰ This provision provides that a person applying for, or a tenant currently living in, such a program “may not be denied admission to . . . or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, . . . if the applicant or tenant otherwise qualifies”⁵¹ This is true even if the alleged perpetrator is another member of the household or a guest of the survivor.^{52, 53}

E. Remedies

Remedies arising from violations of these four statutes include monetary relief (including damages, civil penalties, and attorneys’ fees),⁵⁴ potential termination of federal funding,⁵⁵ and injunctive relief (including potential repeal of a program and judicial oversight).⁵⁶

Recent settlements have required law enforcement agencies and local governments to pay millions of dollars in monetary relief and to repeal or rehaul their programs. As explained in further detail in Sections II and III, these include:

- **Hesperia, California:** nearly \$1 million in monetary relief and program repeal,
- **Anoka, Minnesota:** \$175,000 monetary award and substantial program amendments,
- **Hemet, California:** a \$200,000 remediation fund and program repeal,
- **Bedford, Ohio:** a \$350,000 monetary award and program repeal, and
- **Faribault, Minnesota:** a nearly \$700,000 monetary award and prohibitions on the types of criminal history that may be considered by private landlords when screening tenants.

II. Examples of the Department’s enforcement actions

A. Hesperia, California

In December 2022, the Department settled *United States v. City of Hesperia*, which challenged a “crime-free” program and ordinance.⁵⁷ Brought under the FHA and Title VI, the suit alleged that the program discriminated on the basis of race and national origin.⁵⁸ Hesperia’s program—both in its original, mandatory iteration, as well as its amended, voluntary iteration—is an example of the type of program that, as enacted and implemented, violates federal law.

With substantial support from the local sheriff’s department, Hesperia passed an ordinance requiring landlords to:

- evict tenants and guests when criminal activity (defined as actions in violation of federal, state, or local law) allegedly took place in a rental property, regardless of whether anyone was arrested, charged, or convicted,
- adopt “crime-free” lease addenda, permitting landlords to evict tenants based on supposed criminal activity, and
- screen all potential applicants for prior criminal activity and violations of the “crime-free” program (i.e., when the sheriff’s department issued a notification of criminal activity to a previous landlord).⁵⁹

In enforcing the ordinance, the police department logged hundreds of actual or constructive evictions that it attributed to the program’s implementation—including evictions of many who had

never been arrested, charged, or convicted.⁶⁰ Though the program was later made voluntary, it still required owners to register rental properties, pay registration fees, and adopt “crime-free” lease addenda in exchange for opting into notifications about alleged criminal activity.⁶¹

The program disproportionately affected Black and Hispanic individuals and communities. Statistical analysis conducted by HUD showed that Black renters were almost four times more likely, and Hispanic renters 29 percent more likely, to be evicted under the program than white renters,⁶² and that over 96 percent of those evicted under the program lived in majority-minority Census blocks, while only 79 percent of rental households in Hesperia lived in such blocks.⁶³

The program had a devastating impact, effectively banning some people from renting in the city.⁶⁴ For example, a Black woman living in Hesperia called the police to her home because she did not feel safe with her boyfriend. The sheriff’s department notified her landlord about the numerous domestic disturbance calls and threatened him with a misdemeanor. The landlord then pushed the woman and her children out of their home. Unable to rent another home in Hesperia, she temporarily lived in a motel and was ultimately forced to uproot her family from the city.⁶⁵

Consistent with a recent study showing that “crime-free” programs do not reduce crime rates,⁶⁶ there is no evidence that Hesperia’s program reduced crime.

The December 2022 settlement with the city and the sheriff’s department required complete repeal of the “crime-free” program⁶⁷ and commitment of nearly \$1 million to remedy the program’s harms and to ensure these harms are never repeated.⁶⁸ Among other things, the settlement required a fund to compensate those harmed by the program; civil penalties; notifications about the program’s repeal; training; adoption of non-discrimination policies and complaint procedures; designation of civil rights coordinators; funding for marketing to promote fair housing in Hesperia; and funding for partnerships with community-based organizations.⁶⁹

B. Anoka, Minnesota

In November 2023, the Department found that the city of Anoka, Minnesota, violated the ADA and the FHA by denying tenants with mental health disabilities an equal opportunity to receive emergency assistance.⁷⁰

Under the city’s rental licensing and so-called “crime-free” housing ordinance, the city could penalize landlords for “nuisance calls” to their properties.⁷¹ Nuisance calls included disorderly conduct and what the city described as repeated “unfounded” calls to the police.⁷² The city could issue fines and revoke landlords’ licenses if they did not pursue eviction after nuisance calls.⁷³ When tenants with mental health disabilities and those associated with them (like their families or landlords) requested or received emergency assistance related to a disability, they risked eviction, fines, or loss of a rental license.⁷⁴ As part of this program, the city sent weekly reports to licensed landlords detailing all calls for emergency service from rental properties,⁷⁵ which included names and addresses of those involved and often revealed sensitive information about the person’s disabilities, such as diagnoses, medications, and names of psychiatric or medical providers.⁷⁶ Some even shared intimate details about suicide attempts.⁷⁷ The city used the reports to notify landlords of potential nuisance calls and encourage landlords to evict.⁷⁸

The Department found that the city denied individuals with mental health disabilities and those associated with them an equal opportunity to benefit from emergency response services and subjected them to discrimination, including the threat of losing housing, in violation of the ADA and FHA.⁷⁹ The Department found that people with mental health disabilities and their families or service providers refrained from calling for help to avoid risking housing prospects.⁸⁰

On May 21, 2024, the Department filed a complaint and proposed consent decree to resolve the United States' allegations.⁸¹ Under the settlement, which was approved by the U.S. District Court for the District of Minnesota on June 4, 2024, the city agreed to commit \$175,000 to compensate individuals harmed by the program; end its practice of publicizing the disability, medical, and health information of individuals with mental health disabilities; adopt non-discrimination policies and complaint procedures; notify landlords, property owners, and tenants of changes to the program; designate an ADA coordinator; and train staff.⁸²

III. Examples of other enforcement actions

Others have also successfully challenged programs referred to as “crime-free” or “nuisance” programs.⁸³

A. Hemet, California

In December 2020, HUD entered into a voluntary compliance agreement to resolve allegations concerning a California city's rental registration, “crime-free,” and “nuisance” programs. These programs imposed penalties on property owners if multiple calls per year were made to law or code enforcement for “nuisance” activity at a property and required landlords to enforce “crime-free” lease addenda by evicting residents for a single act of broadly defined criminal activity.⁸⁴ HUD alleged that these programs were enacted for discriminatory reasons and targeted members of protected classes in violation of Title VI and its implementing regulations.⁸⁵ The resolution required a \$200,000 remediation fund, repeal of the ordinances and programs, notifications about the programs' discontinuation, and training.⁸⁶

B. Bedford, Ohio

In January 2020, an individual and a non-profit organization settled *Somai v. City of Bedford*, which challenged an Ohio city's local “nuisance” ordinance. The ordinance permitted the city to designate a home as a “nuisance” if two alleged criminal violations happened near the home or involved a home's resident.⁸⁷ A landlord could avoid penalties under the ordinance by evicting residents of a home deemed a “nuisance.”⁸⁸ Brought under the FHA, ADA, and other federal and state laws, the lawsuit alleged that the ordinance—in its adoption, enforcement, and impact—discriminated against women, individuals with disabilities, and people of color, especially Black individuals.⁸⁹ The settlement required a \$350,000 award, repeal of the ordinance, notice to the public of the repeal, a prohibition on enacting similar ordinances, and training.⁹⁰

C. Faribault, Minnesota

In June 2022, a group of individuals and a non-profit organization settled *Jones v. City of Faribault*, which challenged a Minnesota city's rental licensing ordinance. The ordinance required landlords to screen potential tenants for criminal history and to use “crime-free” lease addenda,

enabling landlords to evict based on alleged criminal activity.⁹¹ Brought under the FHA and other federal and state laws, the lawsuit alleged that the program was adopted with the intent to discriminate against, and had a discriminatory impact on, Black individuals and members of other protected classes.⁹² The settlement required a nearly \$700,000 award, amendments to the ordinance, notice to the public of these changes, city-imposed prohibitions on the types of criminal history that may be considered by private landlords when screening tenants, and training.⁹³

Conclusion

The Justice Department is charged with promoting fair access to housing and vigorously enforces federal laws aimed at achieving that goal. We encourage law enforcement agencies and local governments to assess their programs referred to as “crime-free” or “nuisance” programs to determine whether they comply with the federal statutes discussed in this letter. We appreciate your continued collaboration in these efforts and look forward to discussing any questions or concerns you may have. You may contact the Civil Rights Division at fairhousing@usdoj.gov.

For information about grant funding, training, and other resources, please visit the websites of the Department’s Office on Violence Against Women at www.justice.gov/ovw, Office of Justice Programs at www.ojp.gov, and the Community Oriented Policing Services Office at cops.usdoj.gov.

Sincerely,

A handwritten signature in blue ink that reads "Kristen Clarke". The signature is written in a cursive, flowing style.

Kristen Clarke
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice

REFERENCES

¹ This document does not bind the public. Rather, it advises the public of how the Department understands, and is likely to apply, binding laws and regulations. *See Kisor v. Wilkie*, 588 U.S. 558, 583 (2019) (plurality opinion) (citing *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 97 (2015)).

² *See, e.g.*, Suppl. Compl. ¶¶ 21, 46, 47, *United States v. City of Hesperia*, No. 5:19-cv-02298-AB-SP (C.D. Cal. July 22, 2021), ECF No. 54 [hereinafter “*Hesperia* Compl.”]; U.S. Dep’t of Hous. & Urb. Dev., Implementation of the Off. of Gen. Couns.’s Guidance on Application of Fair Hous. Act Standards to the Use of Crim. Recs. by Providers of Hous. and Real Est.-Related Transactions (2022), <https://perma.cc/M26D-VMT4> [hereinafter, “2022 HUD Guidance”], at 3.

³ *See, e.g.*, *Hesperia* Compl. ¶¶ 4, 21, 58-62; 2022 HUD Guidance at 3, 6-7; U.S. Dep’t of Hous. & Urb. Dev., Off. of Gen. Couns. Guidance on Application of Fair Hous. Act Standards to the Use of Crim. Recs. by Providers of Hous. and Real Est.-Related Transactions (2016), <https://perma.cc/5XDT-QU8L> [hereinafter, “2016 HUD Guidance”], at 5-7.

⁴ *See, e.g.*, *Hesperia* Compl. ¶ 47; U.S. Dep’t of Just., U.S. Findings & Conclusions Based on its Investigation of the City of Anoka, Minn., at 5-7 (Nov. 7, 2023), <https://perma.cc/G2P2-QSBQ> [hereinafter “Anoka Letter of Findings”]; Violence Against Women Act Reauthorization Act of 2022, 34 U.S.C. § 12495(b)(2).

⁵ *See, e.g.*, Anoka Letter of Findings at 4-7.

⁶ *See generally* 2022 HUD Guidance; 2016 HUD Guidance.

⁷ Crime Free Multi-Hous.: Keep Illegal Activity Off Rental Prop., Int’l Crime Free Ass’n, <https://perma.cc/DUG2-EJ9C> (captured Sept. 1, 2019).

⁸ *See, e.g.*, CAL. GOV’T CODE § 53165.1 (2024); MINN. STAT. §§ 13.82 subd. 17(f), 504B.205 (2023); 65 ILL. COMP. STAT. § 5/1-2-1.5 (2015); 55 ILL. COMP. STAT. § 5/5-1005.10 (2015); IOWA CODE §§ 562A.27B, 562B.25B (2024); MD. CODE, REAL. PROP. § 14-126 (2023); 53 PA. CONS. STAT. § 304 (2014). Some cities have also made criminal history status a protected characteristic. *See, e.g.*, ATLANTA, GA., CITY CODE § 94 *et seq.* (amended Oct. 17, 2022).

⁹ *See, e.g.*, Max Griswold et al., An Evaluation of Crime Free Hous. Pol’ys, RAND Corp., at 1 (2023), https://www.rand.org/pubs/research_reports/RRA2689-1.html.

¹⁰ While not addressed in this letter, these programs may also violate other federal laws. For example, these programs may independently violate nondiscrimination provisions—similar to those of Title VI, discussed in Section I.B.—of other federal statutes under which funds are made available to law enforcement agencies and local governments. This includes the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. § 10101 *et seq.* (nondiscrimination provision at 34 U.S.C. § 10228(c)(1)); the Juvenile Justice and Delinquency Prevention Act of 1974, 34 U.S.C. § 11101 *et seq.* (nondiscrimination provision at 34 U.S.C. § 10228(c)(1)); and the Victims of Crime Act of 1984, 34 U.S.C. § 20101 *et seq.* (nondiscrimination provision at 34 U.S.C. § 20110(e)). Section 504 of the Rehabilitation Act of 1973 also prohibits recipients of federal financial assistance from discriminating based on disability in their programs and activities. In some situations, enforcement of these programs may also violate the Constitution. *See* 34 U.S.C. § 12601(b) (granting the Department enforcement authority for law enforcement officers’ pattern or practice of violations of the Constitution or other federal law).

¹¹ 42 U.S.C. § 3601 *et seq.*

¹² *Id.* § 3604(a).

¹³ *Id.* § 3604(b).

¹⁴ *Id.* § 3617.

¹⁵ *See, e.g.*, *Comm. Concerning Cmty. Improvement v. City of Modesto*, 583 F.3d 690, 713-15 (9th Cir. 2009) (city, county, and sheriff’s department); *United States v. City of Black Jack*, 508 F.2d 1179, 1184-85 (8th Cir. 1974) (city); *Davis v. City of New York*, 902 F. Supp. 2d 405, 436 (S.D.N.Y. 2012) (city’s provision of police services); *see also Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 209 (1972) (“The language of the [FHA] is broad and inclusive.”).

¹⁶ A disproportionate effect on a protected class may violate the FHA under a disparate-impact liability theory unless it is proven that the program is “necessary to achieve a valid interest,” i.e., has a legitimate, nondiscriminatory purpose.

Tex. Dep't of Hous. & Cmty. Affs. v. Inclusive Cmty. Project, Inc., 576 U.S. 519, 541 (2015). A program is not “necessary to achieve a valid interest” if a less discriminatory alternative serves that interest. *See id.* at 533; *see also* 24 C.F.R. § 100.500 (HUD’s discriminatory-effects standard).

¹⁷ 2022 HUD Guidance at 2 (citing studies regarding overrepresentation in criminal legal system); *see also id.* (“Research shows that these disparities cannot be simply attributed to certain groups committing more crimes”); Joint Ctr. for Hous. Studies of Harv. Univ., *Am.’s Rental Hous.* 2022, at 12 (2022), <https://perma.cc/K8G2-C8A5> (analyzing 2019 Census showing that Black and Hispanic individuals are more likely to rent).

¹⁸ Bureau of Just. Stat., U.S. Dep’t of Just., *Disabilities Reported by Prisoners*, Table 4 (2021), <https://perma.cc/T37D-K5YZ> (relying on 2016 incarceration data); 2022 HUD Guidance at 2.

¹⁹ Bureau of Just. Stat., U.S. Dep’t of Just., *Nonfatal Domestic Violence, 2003-2012*, Fig. 5 (2014), <https://perma.cc/WVR3-K6Q7> (76 percent of domestic violence “victimizations” were committed against women).

²⁰ *See* U.S. Dep’t of Hous. & Urb. Dev., Off. of Gen. Couns. *Guidance on Application of Fair Hous. Act Standards to the Enf’t of Loc. Nuisance and Crime-Free Hous. Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Servs.*, at 3 (2016), <https://perma.cc/N8CG-7FPP>; Jenna Prochaska, *Breaking Free from “Crime-Free”: State-Level Responses to Harmful Hous. Ordinances*, 27 *Lewis & Clark L. Rev.* 259, 279 (2023) (explaining that “domestic violence was the single largest category of enforcement” of “crime-free” or “nuisance” programs in two New York cities).

²¹ 2022 HUD Guidance at 2-3; *see, e.g., Hesperia Compl.* ¶¶ 22, 32, 36-40, 58-62.

²² 2016 HUD Guidance at 5; *see, e.g., Hesperia Compl.* ¶¶ 32, 41.

²³ *See, e.g., Hesperia Compl.* ¶ 47.

²⁴ 2016 HUD Guidance at 7; *see, e.g., Hesperia Compl.* ¶¶ 32, 46-47.

²⁵ 2022 HUD Guidance at 2-3; *see, e.g., Hesperia Compl.* ¶ 46.

²⁶ *See, e.g., Hesperia Compl.* ¶¶ 5-6, 36-52.

²⁷ *See, e.g., Hesperia Compl.* ¶¶ 4, 17-19, 23-28.

²⁸ 42 U.S.C. § 2000d *et seq.*

²⁹ 28 C.F.R. § 42.104(b)(1)-(2).

³⁰ 28 C.F.R. § 42.104(b)(1)-(2); *see, e.g., Hesperia Compl.* ¶¶ 12-16; *see also* C.R. Div., U.S. Dep’t of Just., *Title VI Legal Manual* at 19, <https://perma.cc/XNC5-2HLL>.

³¹ *See, e.g., Hesperia Compl.* ¶ 12.

³² *See, e.g.,* 28 C.F.R. § 42.105 (requiring applications for federal financial assistance from the Department to be accompanied by an assurance of compliance with Title VI implementing regulations). The United States may bring civil actions to enforce Title VI contractual assurances. 28 C.F.R. § 50.3, pt. I.B.1; *see also United States v. Marion Cnty. Sch. Dist.*, 625 F.2d 607, 609, 612–13 (5th Cir. 1980) (confirming legitimacy of assurance requirement).

³³ 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a).

³⁴ 28 C.F.R. § 35.130(b)(1)(ii).

³⁵ *Id.* § 35.130(b)(1)(i), (iv).

³⁶ *Id.* § 35.130(b)(7)(i).

³⁷ *Id.* § 35.130(b)(1)(vii).

³⁸ *Id.* § 35.130(g).

³⁹ *See id.*

⁴⁰ 42 U.S.C. § 12131(1).

⁴¹ *See, e.g.,* Anoka Letter of Findings at 5-7.

⁴² See, e.g., *id.* at 4-5, 7.

⁴³ See, e.g., *id.* at 9.

⁴⁴ The full title of the amended statute is the Violence Against Women Act Reauthorization Act of 2022.

⁴⁵ 34 U.S.C. § 12495.

⁴⁶ *Id.* § 12495(b)(1)(A).

⁴⁷ *Id.* § 12495(b)(1)(B).

⁴⁸ Covered governmental entities must also certify their compliance with these protections. See *id.* § 12495(c)(2).

⁴⁹ *Id.* § 12495(b)(2)(A)-(E).

⁵⁰ *Id.* § 12491(a)(3), (b). Law enforcement agencies and local governments may be familiar with this section of VAWA, which pre-dated the 2022 amendment. Many “crime-free” and “nuisance” programs across the country have a specific carve-out for domestic-violence survivors, which may be based on this section. The 2022 amendment, as explained in the text, significantly expands and broadens the scope of VAWA’s protections related to these programs.

⁵¹ *Id.* § 12491(b)(1).

⁵² *Id.* § 12491(b)(3)(A). This section permits bifurcation of the lease to remove the perpetrator. *Id.* § 12491(b)(3)(B)(i).

⁵³ “Crime-free” and “nuisance” programs may independently violate *other* provisions of VAWA. As with a number of other federal statutes, such as Title VI, see Section I.B., and the statutes described in note 10, *supra*, VAWA contains a nondiscrimination provision, 34 U.S.C. § 12291(b)(13), related to funding made available under VAWA and related programs funded by the Department’s Office of Violence Against Women.

⁵⁴ FHA: see 42 U.S.C. §§ 42 U.S.C. 3612(g)(3), 3613(c), 3614(d)(1)(B)-(C). Title VI: see, e.g., *Blunt v. Lower Merion Sch. Dist.*, 767 F.3d 247, 272 (3d Cir. 2014); *Barnes v. Gorman*, 536 U.S. 181, 187, 189 (2002). ADA: see 42 U.S.C. § 12133; 28 C.F.R. pt. 35, subpt. F. VAWA: see 34 U.S.C. § 12495(d).

⁵⁵ 28 C.F.R. § 42.108.

⁵⁶ FHA: see 42 U.S.C. § 3614(d)(1)(A). Title VI: see 28 C.F.R. §§ 42.108, 50.3; see, e.g., *Alexander v. Sandoval*, 532 U.S. 275, 279 (2001). ADA: see 42 U.S.C. § 12133; 28 C.F.R. pt. 35, subpt. F. VAWA: see 34 U.S.C. § 12495(d).

⁵⁷ See U.S. Dep’t of Just., *United States v. City of Hesperia*, <https://www.justice.gov/crt/case/united-states-v-city-hesperia-cd-cal> (describing case’s history and providing Supplemental Complaint and entered Consent Order).

⁵⁸ See generally *Hesperia* Compl. The facts described in this section are as alleged in the United States’ complaint.

⁵⁹ *Id.* ¶ 21.

⁶⁰ *Id.* ¶¶ 52-53.

⁶¹ *Id.* ¶¶ 21-22.

⁶² *Id.* ¶ 53.

⁶³ *Id.* ¶ 54.

⁶⁴ *Id.* ¶¶ 58-62.

⁶⁵ U.S. Dep’t of Just., *Justice Department Secures Landmark Agreement with City and Police Department Ending “Crime-Free” Rental Housing Program in Hesperia, California*, <https://www.justice.gov/opa/pr/justice-department-secures-landmark-agreement-city-and-police-department-ending-crime-free>.

⁶⁶ See Griswold, n. 9, *supra*, at 14 (finding that these programs “do not have a statistically robust crime-reduction effect” based on an analysis of over 30 cities compared against a control group).

⁶⁷ Consent Order ¶¶ 49-53, *United States v. City of Hesperia*, No. 5:19-cv-02298-AB-SP (C.D. Cal. Dec. 22, 2022), ECF No. 103.

⁶⁸ See generally *id.*

⁶⁹ See generally *id.*

⁷⁰ See U.S. Dep't of Just., *City of Anoka, Minnesota*, <https://www.justice.gov/crt/case/city-anoka-minnesota> (describing case's history and providing Letter of Findings, press releases, Complaint, and Consent Decree); Anoka Letter of Findings.

⁷¹ Anoka Letter of Findings at 2-3.

⁷² *Id.* at 2.

⁷³ *Id.* at 3.

⁷⁴ *Id.* at 6-9.

⁷⁵ *Id.* at 4-5.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.* at 2, 7-9.

⁸⁰ *Id.*

⁸¹ See U.S. Dep't of Just., *City of Anoka, Minnesota*, *supra*, n. 70.

⁸² Consent Decree, *United States v. City of Anoka*, Case No. 0:24-cv-1861 (D. Minn. June 4, 2024), ECF No. 5.

⁸³ The Department does not take a position on the merits of these three matters and notes that the parties whose “crime-free” or “nuisance” programs were challenged did not admit liability in these resolutions.

⁸⁴ U.S. Dep't of Hous. & Urb. Dev., *HUD Reaches Voluntary Compliance Agreement with California's City of Hemet Over Discriminatory "Crime and Nuisance Free" Programs* (Dec. 10, 2020), <https://perma.cc/U2EK-CWC7>.

⁸⁵ *Id.*

⁸⁶ Voluntary Compliance Agreement between U.S. Dep't of Hous. & Urb. Dev. and City of Hemet, HUD Case No. 09-20-0002-6 (Dec. 2020), <https://perma.cc/W3W9-6J5B>.

⁸⁷ Second Am. Compl. ¶ 2, *Somai v. City of Bedford*, No. 1:19-cv-00373-KBB (N.D. Ohio Jan. 30, 2020), ECF No. 40-1.

⁸⁸ *Id.* ¶ 3.

⁸⁹ *Id.* ¶¶ 12, 71-87.

⁹⁰ Settlement Agreement, *Somai v. City of Bedford*, No. 1:19-cv-00373-KBB (N.D. Ohio Sept. 17, 2020), ECF No. 55.

⁹¹ Am. Compl. ¶¶ 1-8, *Jones v. City of Faribault*, No. 0:18-cv-01643-JRT-HB (D. Minn. June 29, 2018), ECF No. 9.

⁹² *Id.* at ¶¶ 8, 144-151, 153-55.

⁹³ Settlement Agreement and Release of All Claims, *Jones v. City of Faribault*, No. 0:18-cv-01643-JRT-HB (D. Minn. June 14, 2022), <https://perma.cc/8AH6-5Z4Z>.