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DOMESTIC VIOLENCE VICTIMS, A NUISANCE TO SOCIETY?: MOVING TOWARD A MORE EQUITABLE SYSTEM IN PROTECTING VULNERABLE WOMEN

Elizabeth Haderlie¹ and Layla Shaaban²

Consider the following scenario. You are a member of the city council. Citizens' complaints about the city's deterioration have increased ever since low-income housing was built in your community. Each member of the council is interested in the welfare of the citizens in their jurisdiction and comes ready to a council meeting with proposed thoughts and ideas to help create a safe and welcoming community. It is proposed that nuisance ordinances be instituted to help with this issue. The 'nuisance' ordinance is passed, despite warnings that the policy would increase the vulnerability of domestic violence victims.

Two months later, Elizabeth Simmons' daughter calls her crying. She claims her ex-boyfriend has threatened to hit her in the head with a hammer. After calling the police and having him removed from the house, she gets a restraining order the next day. She rescinds the order a month later, telling the judge that she couldn't possibly imagine her ex-boyfriend hurting her again. And then, on January 13, Elizabeth places another call to the police asking for assistance at her home. When the police arrive, Elizabeth's ex-boyfriend has her answer the door calmly. In April, he attempts to enter the house, thinking that she and her daughter are asleep. Elizabeth calls the

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police, but when they arrive the boyfriend has left. With the newly passed “nuisance” ordinance, landlords have no option but to evict Elizabeth and her daughter, which results in homelessness and more abuse by the ex-boyfriend.

Violence experienced by women, especially women of color, is a real and terrifying truth. In many areas of the country calling the police a definite number of times might cause more harm than good. In fact, in thousands of cities across the United States, calling the police can result in your eviction and lead to homelessness. Nuisance laws have historically been put into place to help keep the peace in neighborhoods and protect those living in these neighborhoods. They are a way of putting some sort of policing in the hands of the people for an enhanced level of safety within their communities. But what if these nuisance laws, while attempting to protect citizens, are putting some citizens at greater risk of abuse, and in some cases even murder?

Nuisance ordinances disproportionately affect minority victims of domestic violence. In fact, black, brown and indigenous women of color. Not only do they subject victims to homelessness and a cycle of abuse but, by preventing them from seeking assistance from law enforcement in fear of repercussion, also violate these victims’ constitutionally protected rights to first redress the government for grievances (First Amendment). These ordinances also threaten victims’ housing stability by marking them as nuisances for seeking police help. Victims become unprotected by the law, a violation of their essential Fourteenth Amendment right to equal protection when they are incapable of seeking help without facing a backlash. Historically, nuisance ordinances encourage police to strictly enforce a law protecting property and safety of everyone else other than victims of domestic violence. These pressures for law enforcement officers to protect the property of others have caused them to neglect the safety and life of the individuals directly affected by acts of violence perpetrated by someone close to them.

Our solution to this disparity that exists among female domestic violence victims, specifically African American women, is for the federal government to amend the Violence Against Women Act, designed specifically to protect women, to further protect female

victims of domestic violence, specifically women of color, by including a clause that addresses nuisance ordinances and the limitations local governments must keep in mind as they create local nuisance ordinances. We begin by exploring the history of nuisance ordinances, followed by a discussion on the First and Fourteenth, concluding with a section on possible solutions.

I. BACKGROUND

A. Nuisance Ordinances

In order to protect the livelihood of cities and towns across the nation, cities and local municipalities have begun to rely heavily on nuisance ordinances to control crime. Nuisance ordinances are mechanisms used to be able to control the behavior of tenants within city bounds. Nuisance ordinances tend to have three main features. First, they limit the number of calls made to emergency services [ie. law enforcement]. The reason that this criterion exists is partly due to the fact that police presence tends to lower property value and decrease the quality of life in the area. Repeated calls to law enforcement can also exhaust the city's resources and make it difficult for emergency services to respond to dire situations. The second feature is a list of activities that fall under the nuisance "classification." These activities differ from city to city, but they usually address issues like drug and gang activity or noise. The vagueness in defining these activities is willful. Cities can decide what constitutes a nuisance on a case-by-case basis, which can be detrimental to groups that are more likely to be targeted than others. The third and final feature of nuisance ordinances is the demand that they place on landlords in particular. Nuisance ordinances force landlords to evict the "nuisance" or face fines or, in some situations, incarceration. This creates an environment in which tenants are fearful of their landlords, and landlords are forced into compliance to the city or municipality.³

It is uncertain what brought on the rise of nuisance ordinances in rental agreements. Historians believe that nuisance ordinances rose

to popularity in 1980, as a response to drug related crime.⁴ According to the Policy Surveillance Program, 37 out of 40 major cities in the United States have implemented some form of nuisance ordinance. Twenty-two of these cities require eviction as a response to nuisance, and five out of 40 classify calls for emergency services such as law enforcement a nuisance.⁵ The heavy policing of tenants' activities and requests for emergency service have detrimental effects, especially on victims of domestic violence.

Victims of domestic violence are unable to access potentially life-saving emergency services due to nuisance ordinances threatening their rental agreements. This discourages victims from seeking the help they need to escape violent situations. In the case that they do report violence to law enforcement, they face a new set of obstacles that come due to nuisance ordinances. They can face eviction, which can then taint their records, making it incredibly difficult for them to find a new place to rent. Housing instability could then result in dependency on the abuser by the victim, furthering the cycle of abuse. Evictions and housing instability can create deep psychological issues, affecting the mental health of the victim.⁶ Overall, nuisance ordinances create a violent and traumatizing environment for domestic violence victims. They are targeted not only by their abuser and batterer, but also by the system meant to protect.

B. Domestic Violence

Domestic violence, also known as intimate partner violence, is defined as the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical violence, sexual violence, threats, and

4 *Id.* at 849.

5 Gretchen W. Arnold, *From Victim to Offender: How Nuisance Property Laws Affect Battered Women*, 34 J. INTERPERSONAL VIOLENCE 34 (2016).

6 *Id.* at 34.

emotional abuse.⁷ Intimate partner violence is a current public health crisis that is affecting 1 in 4 women in the United States.⁸ Almost 10 million people experience domestic violence every year.⁹ When we look deeper into the public health crisis, we find that domestic victimization is correlated with a higher rate of depression and suicidal behavior. Intimate partner violence accounts for 15% of all violent crime, and 72% of all murder-suicides involve an intimate partner; 94% of the victims of these murder-suicides are female.¹⁰ Nearly 20 people per minute are physically abused by an intimate partner.

It's estimated that on a typical day, there are more than 20,000 phone calls placed to domestic violence hotlines nationwide.¹¹ And these are just the victims who call in. Although the domestic violence hotline provides a support for these victims, it does not provide a solution to the violence they are facing. These victims need local and legal support when they find themselves in an intimate partner violence situation. Yet many of these victims might choose not to call the police out of a fear they will be marked as a nuisance to the communities in which they reside.

The statistics we have viewed up this point account for both women of color and white women. But historically research has shown us that black women are disproportionately affected by intimate partner violence. It is estimated that 45.1% of Black women have experienced intimate partner physical violence, intimate partner

7 National Coalition Against Domestic Violence, <https://ncadv.org/learn-more> (last visited Jan. 13, 2021).

8 Arnold, *supra* note 5.

9 Martin R. Huecker, *Domestic Violence*, National Center for Biotechnology Information (Oct. 15, 2020), <https://www.ncbi.nlm.nih.gov>.

10 *Facts & Statistics*, Brookviewhouse (last visited Jan. 13, 2021), <https://brookviewhouse.org/womens-safety-%20network/facts-statistics-2/>.

11 Protecting Domestic Violence Victims, The Fowler Law Group (Dec. 31, 2020), <https://thefowlerlawgroup.com/protecting-domestic-violence-victims>.

sexual violence and/or intimate partner stalking in their lifetimes.¹² And an estimated 51.3% of black adult female homicides are related to intimate partner violence.¹³ More than 40 percent of Black women will experience domestic violence in their lifetime according to the Institute of Women’s Policy Research’s Status of Black Women in the United States. In comparison, 31.5% of all women will experience domestic violence.¹⁴

For Black women, domestic violence risks are extremely high. In fact, they are 30–50 percent more likely to experience domestic violence than white women. And, worse yet, they are almost three times as likely to die as a result of domestic violence than white women. Yet their first response is often not to report what they are experiencing. Or, if they do report, they later recant their stories. They also are less likely to visit shelters or receive services. Instead, many Black women suffer in silence. According to the Women’s Community, Inc., Black women are often reluctant to call the police because of the past injustices they have witnessed or experienced. This reason also keeps them from pressing charges against their abusers. They also are concerned with being labeled a “snitch” in their communities and they are worried that their community will be labeled or viewed as “bad” if they report the abuse. As a result, they remain silent.

Being a victim of abuse is already a difficult burden to carry, and nuisance laws do not relieve any of the stress these victims carry day in and day out. Not only do these women have to worry about when the next time might be that the abuser will attack, but they also must keep in the back of their minds what this will look, and sound like to the neighbors. Will their next call to law enforcement officials become the next step towards being evicted? Taking it a step

12 Sharon G. Smith et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010–2021 state report*, Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/datasources/nisvs/2015NISVSdatabrief.html>.

13 *Id.*

14 Asha DuMonthier, Chandra Childers & Jessica Milli, *The Status of Black Women in the United States*, IWPR 2020, <https://iwpr.org/iwpr-issues/race-ethnicity-gender-and-economy/the-status-of-black-women-in-the-united-states>.

further, the distrust that black women already might have in a system that is often systemically and institutionally racist affects their likelihood of reaching out to the police for help. Many poor communities are disproportionately made up of people of color, especially Black people of color. Violence is not something new to those who come from low socioeconomic statuses. Victims of domestic abuse in these communities might be overlooked as just another act of violence, or city officials might just see Black people in general as a nuisance to their city because of the amount of crime we see in these communities. Crime and violence are a direct effect of poverty, and domestic violence falls under this category.

II. CONSTITUTIONAL QUESTIONS

A. First Amendment Petition Clause

The First Amendment of the United States Constitution guarantees the right to petition the government for redress of grievances.¹⁵ The Court has consistently held that this right to petition involves seeking the assistance of law enforcement. By discouraging victims from seeking law enforcement, nuisance ordinances trample on the fundamental First Amendment rights of victims.

It was in 1876 that the Court first established that the right to petition is “the very idea of a government, republican in form.”¹⁶ They emphasized once again the importance of the right to petition in *Mine Workers v. Illinois Bar Assn.*, calling it “the most precious of the liberties safeguarded by the Bill of Rights.”¹⁷ In recognizing the importance of this right, the Courts have expanded its application to almost every department of the Government.¹⁸ In the following

15 U.S. Const. amend. I, § 5.

16 *United States v. Cruikshank*, 92 U. S. 542, 552 (1876).

17 *Mine Workers v. Illinois Bar Assn.*, 389 U. S. 217, 222 (1967).

18 *Cal. Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508, 510, 92 (1972).

years, the First Amendment right to petition the government has been applied to the Courts¹⁹, public officials, and the legislature.

The application of the First Amendment's right to petition has extended to the right to petition the police. In *Morris v. Dapolito*, the Second District Court of New York determined that "submission of complaints and criticisms to non-legislative and nonjudicial public agencies like a police department constitutes petitioning activity protected by the petition clause".²⁰ This notion was pushed even further by *Lott v. Andrews Ctr.*, where the Eastern District Court of Texas noted that "there is no doubt that filing a legitimate criminal complaint with law enforcement officials constitutes an exercise of the First Amendment right".²¹ Other decisions by Courts across the nation support the idea that seeking law enforcement help is a proper exercise of the First Amendment right to petition. The Court in *United States v. Hylton* noted that "filing a legitimate criminal complaint with law enforcement officials constitutes an exercise of the First Amendment right".²² The Court in *Curry v. State* found "that complaints, even though numerous, made to law enforcement agencies are protected First Amendment activity regardless of "unsavory motivation" of petitioner".²³

Case law has indicated over and over again the importance of seeking the help of law enforcement. Nuisance laws discourage victims from seeking assistance by creating point systems that keep track of how often they invoke the help of law enforcement, violating their fundamental First Amendment rights. Not only do these nuisance laws strip victims of domestic violence of their right to police aid, they also empower abusers to continue their cycle of abuse.²⁴

19 *Johnson v. Avery*, 393 U.S. 483, 485 (1969).

20 *Morris v. Dapolito*, 297 F. Supp. 2d 680, 692 (S.D.N.Y. 2004).

21 *Lott v. Andrews Ctr.*, 259 F. Supp. 2d 564, 568 (E.D. Tex. 2003).

22 *United States v. Hylton*, 558 F. Supp. 872, 874 (S.D. Tex. 1982).

23 *Curry v. State*, 811 So.2d 736, 743 (Fla. Dist. Ct. App. 2002).

24 Anna S. Persky, *A call for help: an ordinance that evicts tenants for seeking police aid is putting abused women out on the street*, 99 A.B.A., Sept. 2013.

This cycle might continue to a point where it becomes unpreventable. It might result in severe physical or sexual assault or even murder. These laws prevent police officers and departments from fulfilling their duty to protect the public.

B. Fourteenth Amendment

The Fourteenth Amendment prohibits states from depriving “any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”²⁵ The Fourteenth Amendment was in part implemented to protect the individual’s rights from the states. In *Barron v. Baltimore*, the Supreme Court decided that the intent of the Bill of Rights was to keep a check on federal government, not state governments.²⁶ After the Civil War, the United States Congress adopted many measures in an attempt to protect individuals’ rights. Over the years the Court has defined and redefined the interpretation of due process. The court has determined that individual rights mentioned in the Fourteenth amendment can be understood in three different categories: (1) “procedural due process”; (2) the individual rights listed in the Bill of Rights, “incorporated” against the states; (3) “substantive due process.”

Procedural due process historically determined that an individual was warranted a trial by jury, but in recent years it has been modified and simplified to require at minimum: (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal. We argue that nuisance ordinances supporting evictions of domestic violence victims violate the Due Process Clause of the Fourteenth Amendment by neglecting to further explore the causes of nuisance reports, violating the victims’ right to be heard, and denying them an impartial tribunal. As mentioned earlier, nuisance ordinances not only discourage victims of abuse from calling 9-1-1, but they fail to address the abuse that instigated the call. Nuisance ordinances—we would argue—are not effectively helping all citizens whom they were drawn up for,

25 U.S. Const. amend. XIV, § 2.

26 *Barron v. Baltimore*, 32 US 243 (1833).

but instead perpetuate ideas that domestic violence is a “nuisance” unworthy of police attention.

Substantive due process includes all “basic human rights possessed by persons in an ordered society.” Substantive rights have been more difficult to be determined and historically the court has upheld that discerning such rights “has not been reduced to any formula,” but must be left to case-by-case adjudication.²⁷ Substantive due process has been historically interpreted to include things such as the right to work in an ordinary kind of job, marry, and raise one’s children as a parent. We argue that victims of domestic violence and their families can suffer as a result of nuisance ordinances on many substantive levels. Housing law in the United States has not always been so black and white. Throughout history, policy makers and scholars have debated as to whether housing should be conceptualized as a commodity, such as a car, or a fundamental human right. In the Universal Declaration of Human Rights drafted after WWII in 1948²⁸ to which the United States signed its name it was stated that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (Section 1, Article 25)

As stated above, housing is a fundamental human right, and therefore victims evicted as a result of nuisance ordinance enforcements fall under the protections of the Fourteenth amendment.

African American females experience intimate partner violence at a rate 35% higher than that of white females, and about 2.5 times the rate of women of other races. However, they are less likely than white women to use social services, battered women’s programs, or

27 *Poe v. Ullman*, 367 US 497 (1961).

28 Universal Declaration of Human Rights (Section 1, Article 25).

go to the hospital because of domestic violence.²⁹ Because victims of domestic violence are more often black women than any other race or sex, we argue that nuisance ordinances do not provide “equal protection of the law” as stated in the Fourteenth amendment of the U.S. Constitution. Nuisance ordinances are often more aggressively enforced to target residents, particularly renters, who are people of color, women, Housing Choice Voucher Program participants (who are overwhelmingly people of color and women), single parent or guardian households, and people with disabilities.³⁰

C. Nuisance Case Law³¹

Rosetta Watson, a former resident of Maplewood, Missouri, was a victim of repeated domestic violence. After seeking police aid, she was evicted and banned from the city of Maplewood for six months, in which experienced increased abuse and homelessness. The Eastern District Court of Missouri overturned the law and provided Ms. Watson with a large compensation, we believe that some of the analysis that the judges make is necessary to advance our argument.

First the Court establishes that under the First Amendment, “communications to law enforcement -- including (1) reporting physical assault, (2) reporting criminal activity, and (3) filing a complaint with law enforcement -- are constitutionally protected activities.”³²

Second, the Court specifically addresses the language of the Nuisance section of the rental agreement in Missouri. While it specifically applies to the facts of the case, its standard can be widely applied. The Court notes that the language violates the First Amendment *prima facie* by “imposing penalties, including banishment,

29 Andrew Roesch-Knapp, *The Cyclical Nature of Poverty: Evicting the Poor*, 45 L. & Soc. Inq. 839, 841 (2020).

30 *Women of Color and Reproductive Justice: African American Women*, Feminist Majority Foundation’s Choices Campus Campaign, <http://www.feministcampus.org/fmla/printable-+materials/WomenofColor/AfricanAmericanWomen.pdf>

31 *Somai v. City of Bedford*, 1:19CV373 (N.D. Ohio 2020).

32 *Watson v. City of Maplewood*, 4:2017cv01268, 437 (E.D. Miss. 2017).

on the basis of calls to the police or crime occurring at a property, regardless of whether the tenant was the victim or perpetrator, thereby outright burdening tenants' ability to report crime and seek police assistance."³³ Ms. Watson's inability to seek police aid directly violated her right to petition the government to redress grievances.

Further, the Court noted that Maplewood's enacting of the nuisance ordinance intentionally discriminated against women by singling out the calls made by domestic violence victims. Because of that, Ms. Watson and other women who were victims of domestic violence are punished for seeking out police assistance.³⁴

The same concepts and arguments are furthered in *Board of Trustees of the Village of Groton v. Pirro*.³⁵ However, *Pirro* goes further by emphasizing the overreach created by nuisance ordinances. The Board of Village of Groton argues that the nuisance ordinances are an extension of the state's police powers, and are therefore constitutional.³⁶ The judges disagree. Instead, they note that "the plain language of the law" is discriminatory and overbearing. They believe that the state interest is not enough to constitute a law that "facially prohibits a real and substantial amount of expression guarded by the First Amendment".³⁷

No state interest is compelling enough to put victims of domestic violence at risk for more abuse. No state interest is compelling enough to violate a victims' constitutional First and Fourteenth Amendment rights.³⁸ However, states have found loopholes when it comes to nuisance ordinances. Most cases that have been brought against states for enforcing nuisance ordinances simply resulted in these states altering the laws to fit the decision of the Court. In

33 *Id.* at 437.

34 *Id.* at 438.

35 *Board of Trustees of the Village of Groton v. Norfe J. Pirro*, 523504 NY3rd, 10 (2017).

36 *Id.* at 11.

37 *Id.* at 12.

38 *Grape v. Town/Vill. of East Rochester, NY et al.*, 07- CV-6075-CJS (W.D.N.Y. 2007).

Briggs v. Norristown, the Court awarded Ms. Briggs with \$495,000 in damages, but after a few months, the nuisance ordinance in question was allowed to be enforced again. The same situation occurred in *Watson*.

It is clear that many courts around the country have established the overburdening and chilling effect that nuisance ordinances have on victims of domestic violence. Despite these consistent findings, states have found ways to keep nuisance ordinances alive and enforced, putting more and more victims of domestic violence at grave danger. We believe that what the Courts have done so far is not effective in preventing the detrimental effects of nuisance ordinances. We present a few solutions for this issue in the section below.

D. Solution

From 2008-2009, in Milwaukee 16% of all nuisance ordinance activity was categorized under “domestic violence.” For women of color, high rates of poverty, poor education, limited job resources, language barriers, and fear of deportation increase their difficulty finding help and support services.³⁹ The federal Fair Housing Act (FHA) forbids local governments from enacting or enforcing intentionally or unintentionally discriminatory housing policies. Ordinances that have a disparate impact on one or more protected groups can violate fair housing law, unless they are justified as necessary to achieve an important municipal objective. Local governments should scrutinize all housing-related ordinances to determine whether any have the effect of creating housing barriers for protected groups and, if so, whether options are available that would reduce the harm for those groups. It is often stated that racial bias influences police enforcement decisions. And in a research study it was found that tenants living in a black neighborhood in Milwaukee were three times more likely to receive a nuisance citation compared to a tenant in a white neighborhood who had also violated the ordinance.

39 *The Treatment of Women of Color Under U.S. Law: Violence*, Women’s Institute for Leadership Development for Human Rights, <http://www.wildforhumanrights.org/publications/treatmentwomen/p4.html>.

While proponents of nuisance ordinances argue they are necessary to deter crime, in practice they undermine public safety and punish innocent people - especially vulnerable people who have fewer resources. Domestic violence victims often feel they must endure violence and threats without police intervention when calling the police could lead to homelessness. As mentioned previously, nuisance ordinances have been found to disproportionately impact and be disparately enforced against communities of color. Because these ordinances typically do not require that residents be told about a warning or citation, impacted people often have no opportunity to show that they were actually victims of the “nuisance conduct” and may not even know that a nuisance ordinance is at the root of their housing situation.⁴⁰

We propose that the Violence Against Women Act, or VAWA, be amended to include a clause specifically for the protection of victims of domestic or intimate partner violence victims. This clause should require law enforcement officials to report any suspicion of domestic violence when called upon to report to a property. When these reports are made the city should send out a social worker to speak with the believed victim and offer support and care for the victim.

We further implore lawmakers to add a clause to the VAWA that requires all law enforcement officers to undergo training on enforcing nuisance ordinances when it comes to victims of domestic violence, whether that be further education on how to recognize signs, what questions to ask, or how to better protect these victims instead of having them punished under the law. This clause should include a section that requires landlords to seek training as well when it comes to recognizing the signs of domestic violence, and ways in which they can help these victims in their housing situations. These required courses should also include sections that teach about racial bias and offer a safe environment for police officers to explore their own racial biases and teach them what racial bias historically looks like, and how to combat it.

40 Matthew Desmond & Nicol Valdez, *Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women*, 78 AM. SOC. REV. 128, 117-141.

In his TED Talk “Why Good Leaders Make You Feel Safe,”⁴¹ author Simon Sinek argues that when leaders build an environment of safety and protection for people, their team members respond with trust and cooperation. Sinek says, “When we feel safe inside the organization, we will naturally combine our talents and strengths and work tirelessly to face the dangers outside and seize the opportunities.”

It’s up to the leaders in any organization to create an atmosphere of security, support and loyalty. We would argue that the position in which police officers are placed requires them to learn to be a great leader in the communities in which they serve.

Furthermore, many victims of domestic violence have mixed feelings when it comes to police and the ever-looming fear of eviction. As this clause is released and implemented by local governments, we will include ways in which law enforcement officials can become more of a friendly face in the communities where they have historically been feared.

We feel that more conversations and education surrounding this topic will provide those who are often the first responders to victims of domestic violence situations (whether they know it or not) to not only provide support but instill confidence in this population that allows them to trust the officials who have sworn to protect them. We further remind those who create nuisance ordinances that the “three calls and you’re out” rule often is a double-edged sword that does not promote victims of abuse to seek help in fear of being evicted and left homeless. The clause we offer as a solution to be added to the VAWA should include that the “x strikes and you’re out” rule be taken out of nuisance ordinances as to not deter vulnerable populations from seeking assistance from law enforcement.

III. CONCLUSION

Rental agreements play a necessary role in facilitating interactions between tenants and landlords as well as creating a contract for tenants to refer to and abide by. However, rental agreements that contain

41 Simon Sinek, *Why Good Leaders Make You Feel Safe*, TED Ed (May 19, 2014).

nuisance ordinances can be detrimental to the health and safety of many who have fallen victim to domestic violence. Nuisance ordinances typically have three main features to them. One of these very common features -- a limit on the number of calls made to emergency services such as law enforcement -- can be specifically harmful for domestic violence victims. The inability for victims to contact and receive police assistance is a violation of their fundamental Right to Petition the Government under the First Amendment as well as the Equal Protection of the Law under the Fourteenth Amendment.

While nuisance ordinances are beneficial in preventing gang activity and other heinous crimes around private and public property, the effect that they serve is not strong enough to excuse the tremendous harm they cause victims of domestic violence. There needs to exist a middle ground in which crimes like gang and drug activity are regulated, but potential activities of abuse and violence are prevented. This could potentially be achieved by creating amendments to specific acts that have previously promised to protect women against domestic violence, such as the Violence Against Women Act.