

MEMORANDUM OF SUPPORT

PROTECT THE RIGHTS OF VICTIMS TO ACCESS POLICE AND EMERGENCY ASSISTANCE

A.2919 Lavine/S.405 Robach

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to **protect a domestic violence victim's right to call for police and emergency assistance**. This bill is necessary to prevent homelessness, housing instability, and most importantly, future physical, emotional, and economic harm to victims of domestic violence and other crimes.

Victims of domestic violence (or any other person threatened with violence or in jeopardy of harm) ***should not be deterred from seeking police or emergency assistance when needed*** because of a fear that they will be evicted or that their landlord and community will take other actions to remove them from their home. Yet that's the current situation in many communities where so called "nuisance ordinances" have been enacted.

Intended to address drug, weapon, disorderly conduct and property crimes at primarily abandoned properties, these ordinances are now being applied at occupied properties, many of which are tenant-occupied. Properties can be cited, and/or landlords fined, where crimes occur or if multiple calls are made to police or emergency assistance. In fact, to preemptively avoid penalties and other difficulties, landlords have threatened or actually instituted eviction proceedings against victims of domestic violence and other crimes, even before receiving a citation or fine.

NYSCADV urges passage of this bill, which amends the civil rights law to:

- Clarify that victims of domestic violence or any person who believes that he or she is in need of police or emergency assistance, have the right to call for such assistance ***without direct or indirect penalty or reprisal for doing so*** and prevents any resident or occupant from impeding on that individual's right to seek police or emergency assistance;
- Provide that municipalities cannot impose penalties on a property owner or tenant on the basis of a residential occupant's exercise of his or her right to seek or utilize police or emergency aid, and prohibit landlords from taking negative housing actions against individuals for this protected conduct; and
- Ensure that when municipalities seek to enforce local nuisance ordinances, that they must provide notice and give both the landlord and tenant an opportunity to contest.

ABOUT NYSCADV:

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465

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