

"Crime-Free Multi-Housing" and Other Public Policy Means of Mass Relocation

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Market forces, cultural pressures and government regulations all affect an individual's ability to obtain housing and stay housed. Block-busting practices and nested shell corporations illustrate how unregulated real estate practices have affected the availability, quality and affordability of housing in the United States (Levine and Harmon, 1992). Public policies regarding housing have also had a great impact on the major cities of the United States over several decades. The federal government once participated in the development of the overt red-lining of whole neighborhoods, which undoubtedly destabilized communities and impacted investment in housing developments in the private sector (Hillier, 2002 and 2003). Further, court-mandated "deconcentration of poverty" has had a significant effect on low-income citizens and has substantially changed the management of low- and mixed-income housing complexes in the United States (Goetz, 2003).

Here we consider the lesser known and unexamined forces in shaping public policies around affordable housing and the deconcentration of poverty. These are parallel phenomena resulting from court cases and public pressure: the establishment of so-called "Crime-Free Multi-Housing" (CFMH) programs, and the licensing of rental properties with added obligations to respond to criminal activity.

CFMH originated in Arizona in 1992 but expanded rapidly throughout the 1990's. These programs establish partnerships between owners of rental property and local law enforcement agencies, rely on the distribution of law enforcement data on arrestees to the owners, and expedite evictions of residents and their guests based on 911 calls and arrests--not strictly convictions--for selected crimes. Residents displaced through this process are not limited to those suspected of or arrested for various drug-

related crimes, but can include relatives and friends living with the arrestees, even if the arrest did not take place in their home.

Public pressure puts law enforcement agencies in a position to respond to drug dealing with "stings"--search warrants served and arrests effected after making an undercover "controlled buy" of narcotics from a resident or guest in the property--almost exclusively rental property. Seeking long-term solutions to drug activity which the police link to patterns of violent and property crimes, law enforcement agencies have gravitated toward CFMH as a workable solution. The growing "Problem-Oriented Policing" movement, one variation on so-called "Community Policing" philosophies, encourages these partnerships and has produced "how-to" guides in addressing narcotics activity at rental properties (Sampson, 2001).

Coincident with the establishment of these programs, many municipalities have passed licensing requirements for rental residential housing. Many licensing ordinances mandate that owners of rental properties monitor their locations for criminal activity (Appendix B), and take steps to prevent crimes committed by residents and their guests. This is in keeping with the advice of criminologist Marcus Felson: "I'd rather enforce civil laws against 30 owners than the criminal code against 10,000 citizens" (Felson, 2002); in essence, using civil laws is far less demanding in terms of investigations and less costly in terms of personnel time devoted to addressing the problem. "Officials can be surprisingly effective in reducing these drug-trade settings [in rental properties]. . . It is increasingly evident that removing these settings can undermine illicit sales in the long run" (Felson, 2006).

These programs have proven to be popular among law-enforcement to the extent that a non-government organization, the International Crime Free Association, was created by program advocates and claims hundreds of member agencies in the United States and Canada. Participating agencies' cities range from Tinley Park Village, Illinois to New York, New York. Many others have selected components from the CFMH agenda, including educational sessions which promote the use of the "Crime Free Lease Addendum," an addition to standard rental housing leases which allows owners to evict residents based on an arrest for narcotics use, sale, possession, or distribution.

For this study we focus on the example of one municipality which has adopted many of the CFMH practices, Minneapolis, Minnesota (population 382,000). The Minneapolis Police Department is an agency with approximately 850 sworn officers and 120 civilians. The MPD is responsible for enforcing components of the Minneapolis' rental license ordinance (244.2020), which has been in effect since 1990, with two notable amendments in the past five years. Subsequently the ordinance has been replicated by many of Minneapolis' suburbs, with two notable amendments in the past five years. Minneapolis reviewed and implemented the CFMH program in the mid-1990's, without mandating owner participation. Rather, selected components of the CFMH were aggressively promoted and, when

regulations permitted, imposed on owners of property deemed to be in violation of the "Conduct on Licensed Premises" section of the city's rental license ordinance.

Karen Notsch, a Crime Prevention Specialist with the MPD, was instrumental in institutionalizing many of the CFMH principals into the MPD's community policing efforts. "We saw the need for rental owners to respond when people in their buildings victimized their neighbors, vandalized property, and in general created a sense of fear in the community. While we could sanction owners who had tenants that committed serious crimes on their properties, we also wanted to reach out to owners who might inherit the other owners' tenants when they were evicted." Notsch was tapped by the Minnesota Crime Prevention Association to train law enforcement agencies in the state in the full CFMH program. Owners who enrolled were trained in screening tenants for criminal backgrounds and prior rental histories, were obliged to conduct a building meeting with 75% of tenants participating, and had their building subjected to a thorough premise security survey. When CFMH was adopted by the MPD in 1997, most of the Crime Prevention Specialists (at the time twenty-five CPS positions were allocated to the crime prevention unit of the MPD) and many of the officers in the crime prevention unit were trained to educate owners in CFMH (Personal interview, 2010).

This policy choice was coupled with the police department's command decision to adopt the New York Police Department's COMPSTAT model of aggressive policing in 1998, which the MPD re-branded as "CODEFOR," or "Computer Optimized Deployment, Focus on Results." These choices were made by many agencies with the hope that serious crimes would be reduced through better management of personnel, more robust analysis of crime data, and a higher level of accountability for crime reduction throughout all levels of the department (Willis, 2003). Serious crimes dropped most years following their implementation in many cities, including Minneapolis (Uniform Crime Report statistics).

The author has worked for the MPD since 1995 and has been in a position to observe the effects of these policies as well as advise the command staff on strategies to enhance their effectiveness. In particular, the author has been tasked with helping to develop citywide partnerships with businesses and rental property owners. Civilian colleagues of the author such as Crime Prevention Specialist Notsch have assignments which require them to monitor crime reports for incidents related to rental properties, and notify owners of "Criminal Conduct on the Licensed Premises," demanding a management plan from the owner in response to criminal acts by tenants or their guests. Ultimately these CPS's are the primary advisors to the City Council regarding properties where sufficient criminal activity has occurred to warn the owners and in the CPS's judgment, the owners' response has been inadequate. In these cases the CPS's recommend that the owners' licenses should be revoked. Offenses which can jeopardize an owner's license include narcotics violations, illegal weapons use or possession, prostitution, and other so-called "disorderly uses" (Minneapolis Code of Ordinances 244.2020).

The management plans demanded of owners include a requirement that the "Crime Free Lease Addendum" be added to the leases for new tenants, and that criminal background checks be performed on all rental applicants. Background checks have been a common practice among landlords. The Crime Free Lease Addendum (Appendix A) has been standard for public and subsidized housing leases since the mid-1990's. Use of the lease was upheld by the U.S. Supreme Court in 2002:

"With drug dealers increasingly imposing a reign of terror on public and other federally assisted low-income housing tenants, Congress passed the Anti-Drug Abuse Act of 1988. . . [which] provides that each public housing agency shall utilize leases which . . . provide that any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or any drug-related criminal activity on or off such premises, engaged in by a public housing tenant, any member of the tenant's household, or any guest or other person under the tenant's control, shall be cause for termination of tenancy." 42 U. S. C. §1437d(l)(6) (1994 ed., Supp. V). Petitioners say that this statute requires lease terms that allow a local public housing authority to evict a tenant when a member of the tenant's household or a guest engages in drug-related criminal activity, regardless of whether the tenant knew, or had reason to know, of that activity. Respondents say it does not. We agree with petitioners."

These policies—threatening owners with license revocation and imposing the use of the CFMH lease addendum--appear to have unintended consequences which can destabilize communities, reduce the opportunities for affordable housing for the poor, and create a new urban demographic, a diaspora in their own city, of families with individual members whose history of misdemeanors has created a barrier to obtaining adequate housing.

These programs overlay a semi-permeable membrane of background checks for housing applicants that can keep this population out of adequate housing, while pushing and keeping out those caught in drug stings. For owners who embrace the Crime Free Lease Addendum due to the location of their properties in higher crime neighborhoods, the use of month-to-month leases is often perceived to be a necessity. These leases simplify the eviction process, allowing owners to cancel the lease on the mere suspicion of criminal activity--in essence, the owners do not need to prove anything but can simply choose not to renew the lease. While this also increases the risk of vacant units or property damage and lost rent in retaliation from a tenant for the abrupt termination of the lease, many owners balance this risk against that of license revocation in the event that criminal activity is verified.

Partnerships with rental property owners and municipalities are rare. As with most commercial enterprises, rental property is highly regulated by my cities, primarily by housing codes, but increasingly through licensing sanctions triggered by criminal activity on the property. Minneapolis is no exception; however Minneapolis owners of rental property are also offered some "carrots" beyond the "stick" of the rental license ordinance. In 2004 the MPD assembled a suite of automated email "Action Alert" systems which release public data from crime reports which reference an owner's property. These alerts were part of a developing "Virtual Block Club" for constituents in the private sector which desired more of a timely

notification of crime reports referencing their properties or businesses (Krueger, 2004). The referenced address could be the incident location or an arrested adult's home address, no matter where the offense was recorded in Minneapolis. One "carrot" derived from this information include the higher probability that a subscribing owner might find out about an unauthorized resident living in the apartment. Such subletting is commonly prohibited in residential leases and for many owners there would be no other means by which they would obtain enough documentation to prove these violations. The Action Alerts-- including public data that the State of Minnesota requires police departments to release on demand-- provide this documentation at no charge to subscribing owners.

Owners of rental property in Minneapolis have a great incentive to enroll in this alert system, which apprises them of any arrest of a tenant, and can empower them to evict tenants quickly enough to forestall licensing sanctions or revocation by the city. Further, the ordinance which empowers the city to revoke licenses based on documented criminal activity has been amended twice in the past decade which makes subscription to the MPD's alert system even more urgent: Owners who have had two of their rental property licenses revoked will, upon the second revocation, have all remaining license revoked and cannot have any property licensed again for five years. The second change moved the management plan demand to be required as of the first notice rather than the second. Previous to the former change, an owner could abandon any number of revoked properties while acquiring more and presumably continuing to rent to criminals. The latter amendment dramatically increased tenfold the number of owners having to respond to conduct notices.

There are several sets of data which are most readily available and can be used to illustrate the scope of the problem that the above factors pose for housing advocates and policy makers:

1. We determined the number arrests of Minneapolis adults, in Minneapolis, by the Minneapolis Police Department, where the original charges include narcotics use, sale, distribution or possession; loitering with intent to buy or sell narcotics; weapons offenses such as possessing stolen firearms; and prostitution offenses. See **Table 1** for an annual count of these offenses in Minneapolis since 1990, and the number of unique offenders arrested at least once for these offenses each year. Table 2 shows how an initial set of unique offenders in 2005 "moved around" subsequent to their initial arrest, from 2006 through 2008. This does not represent all possible individuals who were forced to move due to criminal activity. That number could be far higher but is unknown due to the fact that not all individuals living with the offenders are recorded in the police reports. Moreover, some individuals may have been forced to move but in subsequent years were neither arrested nor noted in police reports as suspects, victims or witnesses. We do not consider arrestees who lived outside of Minneapolis in 2005. Lastly, this does not distinguish the status of the housing for the arrested parties; they could have been living with relatives in a

homesteaded property, or in unlicensed rental dwellings, licensed apartments or houses, or even with their last known address listed as "No permanent address," i.e., homeless.

Caution must be used when considering the information provided by any arrested individual, whether innocent or guilty. Often arrestees simply produce a state-issued identification card which is "swiped" into a mobile computer in the officers' squad dashboard. Chronic offenders are not reliable in keeping their identification cards up-to-date and may be arrested multiple times before the card itself expires or is lost, or otherwise forces the arrestee to obtain a new one with a current address. So some arrested in 2005 may not even have been currently living at the address proffered, nor at subsequent addresses provided in the contacts made by officers in the three following years.

For the purposes of this paper, we must consider this information at face value, and examine just individuals originally arrested for the qualifying crimes since those incidents are far more likely to result in their eviction from any type of housing. We matched this set of arrestees from 2005 with the MPD's database of all people referenced in police reports for 2006 through 2008, hence it should be noted that they were not necessarily arrested in the incident recording their new address in subsequent years.

Table 1
Rental License "Notice of Criminal Conduct on Premises"
Qualifying Criminal Offenses

	Incidents				Arrests			
	Narcotics	Loiter*	Weapons	Prostitution	Narcotics	Loiter*	Weapons	Prostitution
1990	1519	5	359	1110	1051	2	282	944
1991	1488	96	467	925	1126	63	346	840
1992	1873	355	422	984	1420	229	323	875
1993	2569	540	671	1011	1943	355	485	851
1994	3361	611	824	906	2463	416	731	790
1995	3266	638	952	583	2492	456	859	482
1996	3039	995	873	682	2453	679	848	572
1997	3260	1359	880	1063	2783	910	807	940
1998	4820	1887	812	1134	3498	1295	712	1017
1999	4457	2161	692	975	3329	1411	616	838
2000	4293	2004	661	1187	3160	1302	570	1077
2001	4125	2099	551	935	3177	1355	535	938
2002	3954	1997	610	814	3050	1368	525	765
2003	3613	1939	627	627	2858	1364	526	595
2004	3595	1802	536	904	2695	1210	543	857
2005	3223	1387	638	662	2584	969	659	620
2006	4483	1708	669	552	3390	1212	717	511
2007	4350	2141	662	458	3298	1397	623	472
2008	4006	1939	598	388	2980	1246	579	382
2009	3148	1749	412	314	2546	1160	349	318

Source: Minneapolis Police Department, Strategic Information-Crime Management (SICM) Division

Table 2
Following the housing status of individuals arrested for at least one qualifying
"Criminal Conduct on Licensed Properties" offense in 2005
through years 2006, 2007, and 2008

From	Number arrested for offenses qualifying for Conduct Notices	No contact with MPD in following year	They moved to at least once	They became homeless	Their home address did not change
2005 to 2006	3,523	1,779	1,011	260	473
2005 arrestees with no contact in 2005-06, to 2007	1,779	1,266	361	50	102
2005 arrestees with no contact in 2005-07, to 2008	1,266	1,044	176	12	34

Source: Minneapolis Police Department, SICM Division

2. The number and location of rental properties and dwelling units in Minneapolis has been relatively constant over the years. Ownership status may change hands from an owner-occupied or "homesteaded" property to rental, and vice versa. Housing may be demolished or built. Further, the City estimates that as many as 5% of actual rental dwellings are not licensed by the owners (in violation of city ordinance). Lastly, the vacancy rate of rental properties has fluctuated from a high of nearly 20% in the early 1990's to as low as 2% in 2000 (Goetz, 2003). So the exact number of actual occupied rental dwelling units, whether licensed or not, and the actual number of residents living in them, cannot be determined. But for the sake of illustrating the size of the problem of renters uprooted from their homes due to criminal conduct, we reasonably set this number to be about 18,000 properties, with about 80,000 dwelling units.

3. Owners of rental property may subscribe to the MPD's "Action Alert" system which notifies them of arrests of adults for any offense in the city, regardless of the location, as well as crime incidents reported at their properties. Table 3 shows the growth of the subscriber base, including the number of properties and units owned or managed by the subscribers, since 2004. Also noted are the numbers of owners attending a workshop which focuses on rental property management with a heavy emphasis on addressing criminal activity and screening applicants for criminal history. Prior to 2010, new subscribers came from word-of-mouth or limited outreach by MPD civilian Crime Prevention Specialists, but government has been catching up with technology: the estimated growth for 2011 is based on

Minneapolis' rental license section's addition of an email field to the database for licensed rental properties. Although optional, over half of all new rental owners and nearly 75% of those renewing their existing licenses so far in 2010 share their email address with the City's Regulatory Services department when filling out their annual license renewal form. Each owner submitting a new email address is invited to join the Action Alert system through a letter from the Chief of Police and Director of Inspections. Table 4 shows the number of all rental owners who have received at least one such alert through the first eight months of 2010, compared with those not yet subscribed to the system.

Table 3
Subscribers to Minneapolis Police Department's
Rental Property Owners "Action Alert" Email System

Year	Individual Subscribers	Enrolled Properties	Percent of all rental properties	Residential Units Managed	Percent of all rental units	Attended CFMH Workshop	
2004	420	1240	7%	4967	6%	<i>Not available</i>	
2005	1144	1560	9%	6424	8%	46	
2006	1420	1664	9%	8302	10%	84	
2007	1610	1715	10%	9934	12%	55	
2008	1847	8512	47%	35542	44%	72	
2009	2032	9706	54%	43316	54%	68	
2010	3550	9878	55%	45915	57%	177	<i>through 8//2010</i>
2011*	6000	12000	67%	55000	69%	300	<i>Projected</i>

Source: Minneapolis Police Department, SICM Division

Table 4
Minneapolis Police Department "Action Alerts" 2009
Alerts Sent vs. Not Sent

	Total Alerts	Properties Referenced	Owners/Managers Referenced
Alerts Sent	24,973	4,310	1,512
Alerts Not Sent	13,104	5,251	4,547

Source: Minneapolis Police Department, SICM Division

4. Owners of rental property may have been notified by the Minneapolis Department of violations of the "Criminal conduct on the licensed premises" section of Minneapolis rental license ordinance (244.2020). This notice is sent via certified post to enable tracking of its delivery and measuring the time it takes for an owner to respond. Table 5 shows the annual number of rental properties which have been the location of a criminal offense which triggered the sending of a "Conduct

Notice" to the owner for qualifying offenses, from 1996 through 2010 year-to-date. Not included are referrals the police made to the Hennepin County Attorney's office for warning the owner of a potential violation of Minnesota's "nuisance" statute, which includes many of the same violations listed in Minneapolis' rental license ordinance and much the same set of consequences for owners who fail to respond. This referral can be done simultaneously with, or apart from, a Conduct Notice, but the process is primarily used for addressing criminal activity at commercial properties such as convenience stores, or homesteaded (non-rental residential) properties. The Conduct Notices include a first letter of warning, a second letter demanding a management plan and attendance at a rental property management workshop, and a third letter notifying the owner of the city's intent to revoke the rental license. Owners receiving these notices represent less than two percent of all owners in the city. However the impact can be significant: One advocacy group for landlords hosts a cable television show which highlights properties whose owners have received the notices or lost their licenses due to owners' failure to satisfy the requirements of the rental license ordinance. This publicity may influence the management practices of owners who have not yet gone through the notice process.

Table 5
Rental Property "Conduct on Licensed Premises" Warning Letters Sent
by the Minneapolis Police Department

1996	236
1997	378
1998	422
1999	393
2000	386
2001	366
2002	335
2003	238
2004	235
2005	280
2006	282
2007	244
2008	167
2009	345
2010	200

Source: Minneapolis Police Department, SICM Division

In any case which triggers these notices, Minneapolis' rental license ordinance provides an incentive for the owner to evict any tenant involved: "No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant

to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee." (Minneapolis Ordinance 244.2020 Subs.(h)).

5. For comparison with other policy decisions which have impacted the stability of housing for low-income families, we use the number of families and individuals displaced as a result of the Hollman Decree in Minneapolis. Per Goetz, this number is over 900 units or housing demolished, probably displacing over 2,000 individuals.

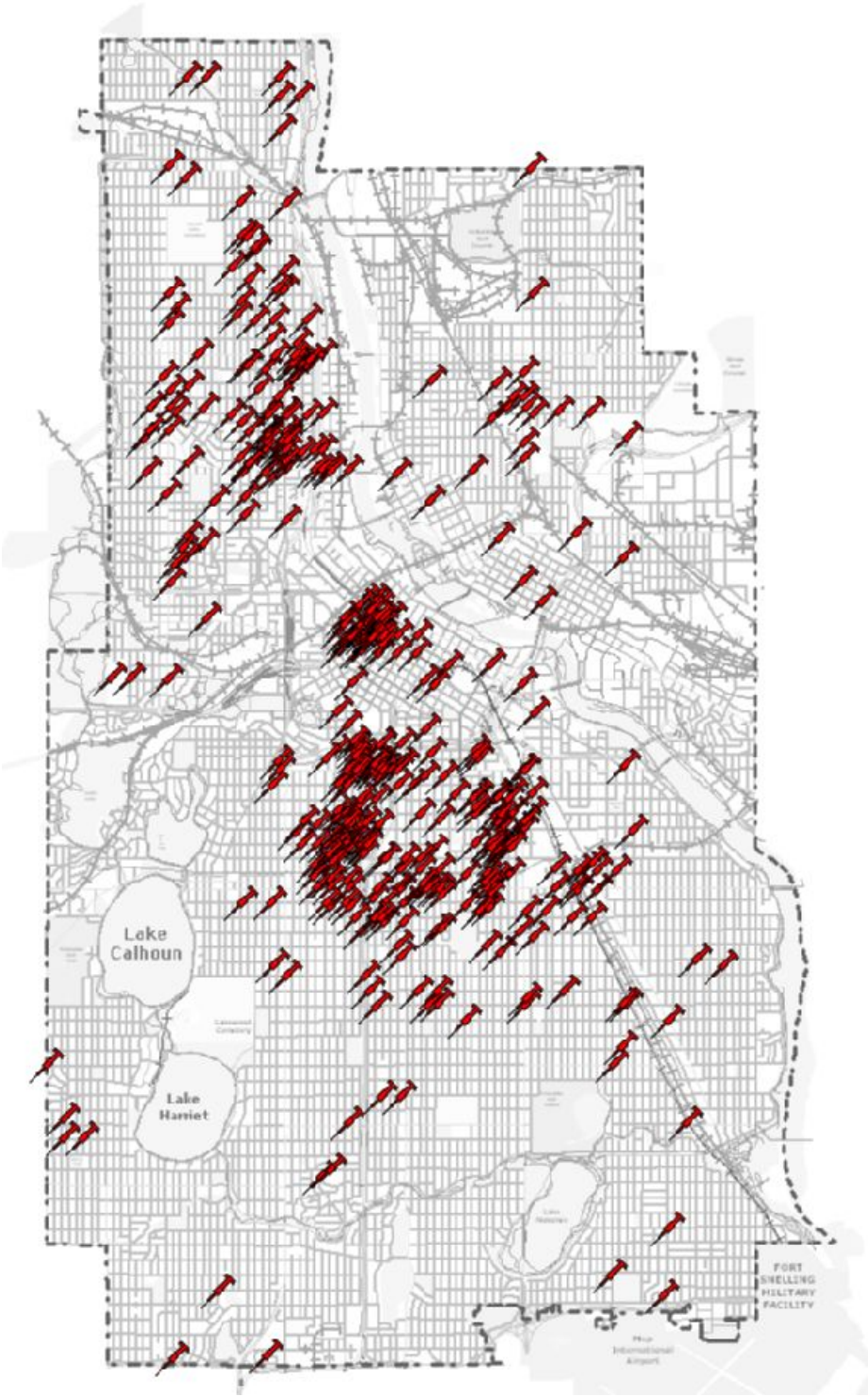
6. Although it would be problematic to use offense reports to determine income levels of offenders (persons listed in crime reports are not required to divulge their places of employment or sources of income), law enforcement agencies must record the race of people involved in criminal incidents. Consistently from 2000 to the present, for narcotics offenses more than four minority individuals are arrested for every white person (Table 6). The offenses are reported in areas of Minneapolis which by any definition are below-average in terms of income, quality and numbers of affordable housing units, and other indicators of poverty. Maps 1 through 4 depict the locations in Minneapolis where CFMH qualifying narcotics incidents were reported and almost all arrests were effected in 2005, by quarter. Map 5 shows the areas of the Minneapolis for which city departments target much of their outreach and services to satisfy the requirements of federal Community Development Block Grants (CDBG).

Table 6
Narcotics Offenses in Minneapolis
Arrestees by Race

Year	Asian	African-American	Native-American	Other	White	Total	Non-white as % of total
2000	30	3475	277	357	834	4973	83%
2001	37	3383	255	458	804	4937	84%
2002	66	3257	202	387	794	4706	83%
2003	37	3206	193	280	698	4414	84%
2004	61	3072	129	220	674	4156	84%
2005	36	2804	125	228	483	3676	87%
2006	46	3485	194	246	711	4682	85%
2007	51	3678	201	213	830	4973	83%
2008	53	3388	197	239	856	4733	82%
2009	43	2913	148	165	674	3943	83%
2010	20	2025	111	167	450	2773	84%

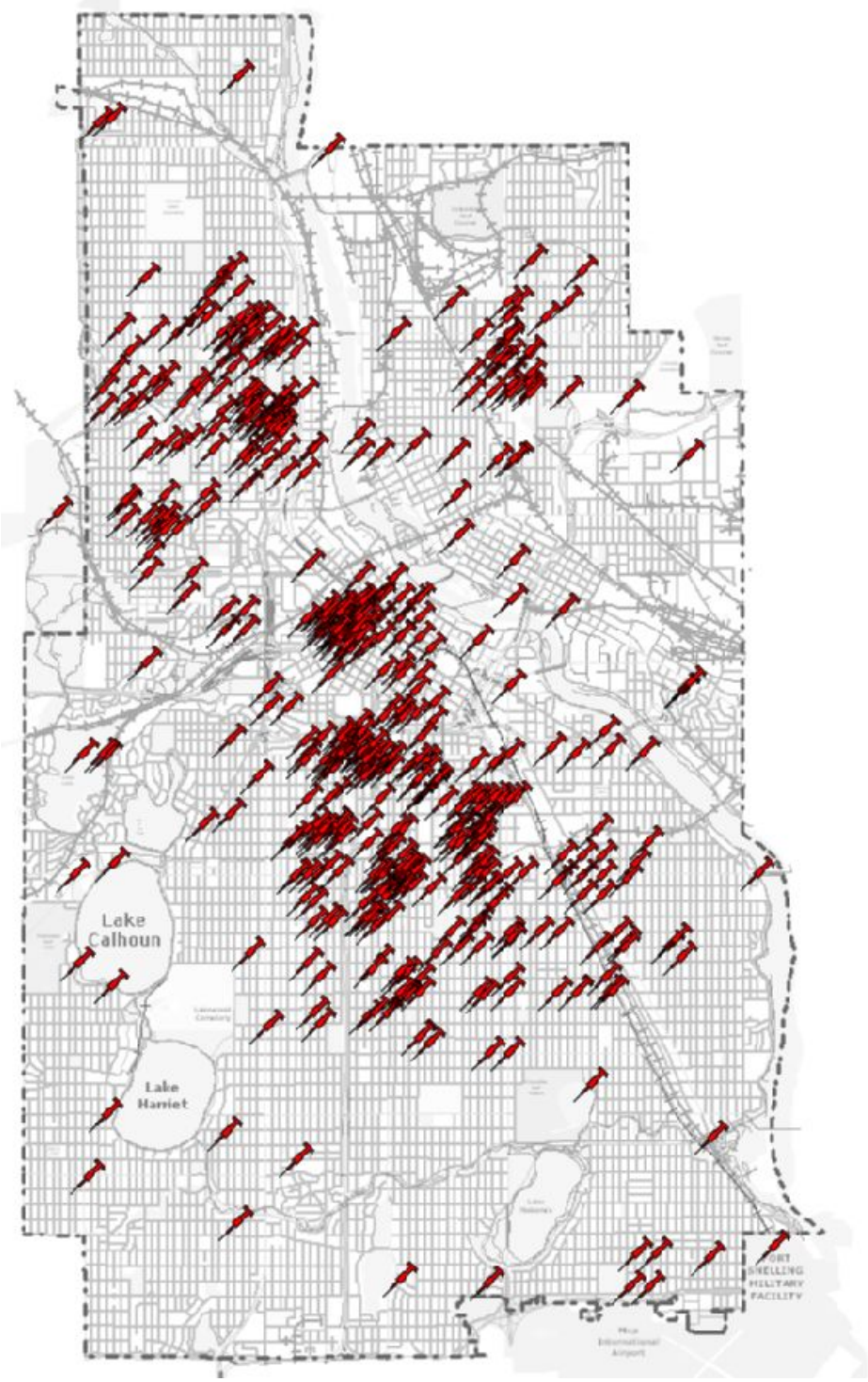
Source: Minneapolis Police Department, SICM Division

Map 1
Narcotics Offenses Reported, Minneapolis
January through March, 2005

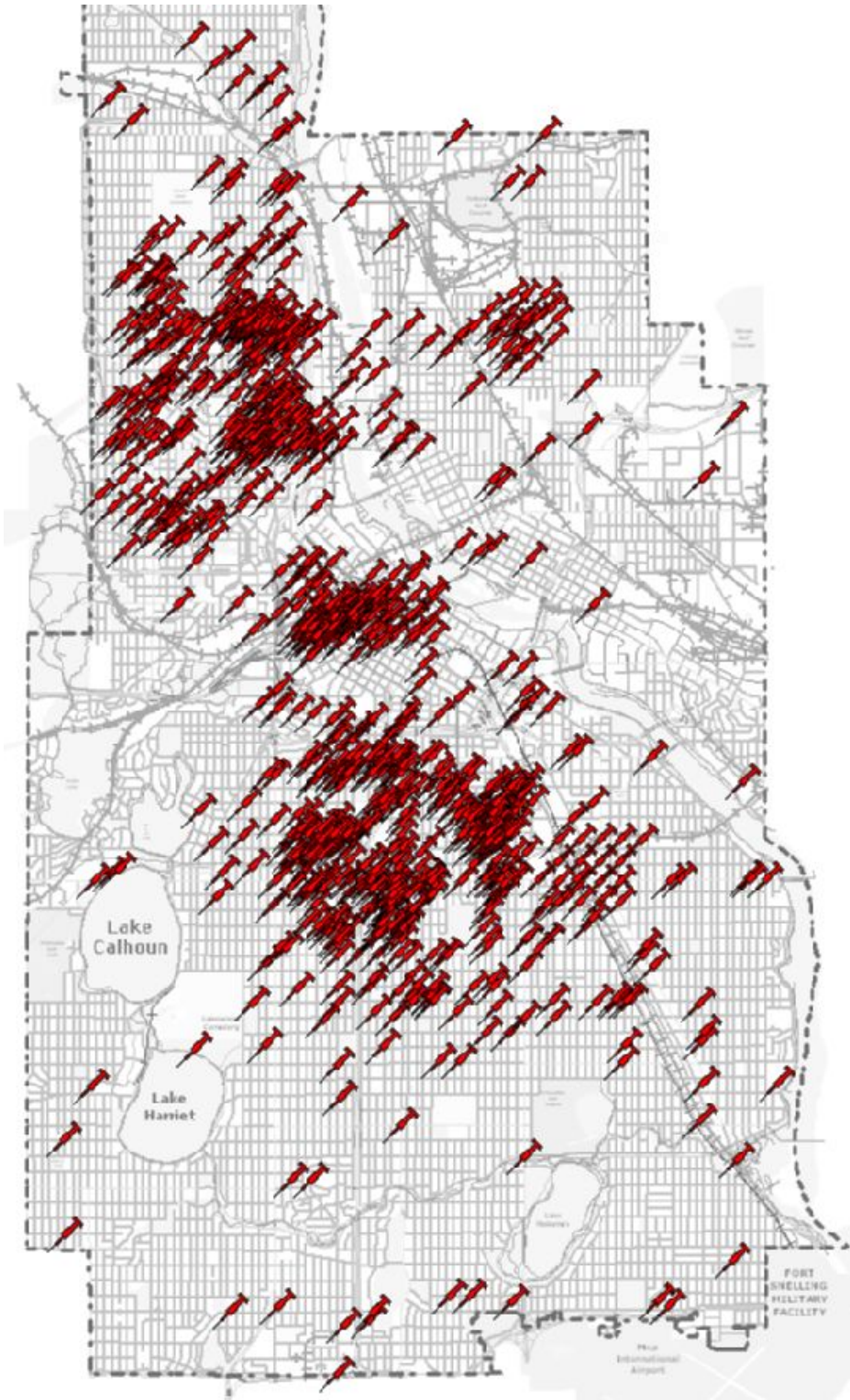


Source for Maps 1-4: Minneapolis Police Department CAPRS (Computer Aided Police Report System) Database, depicted using CrimeMaster geographic information system.

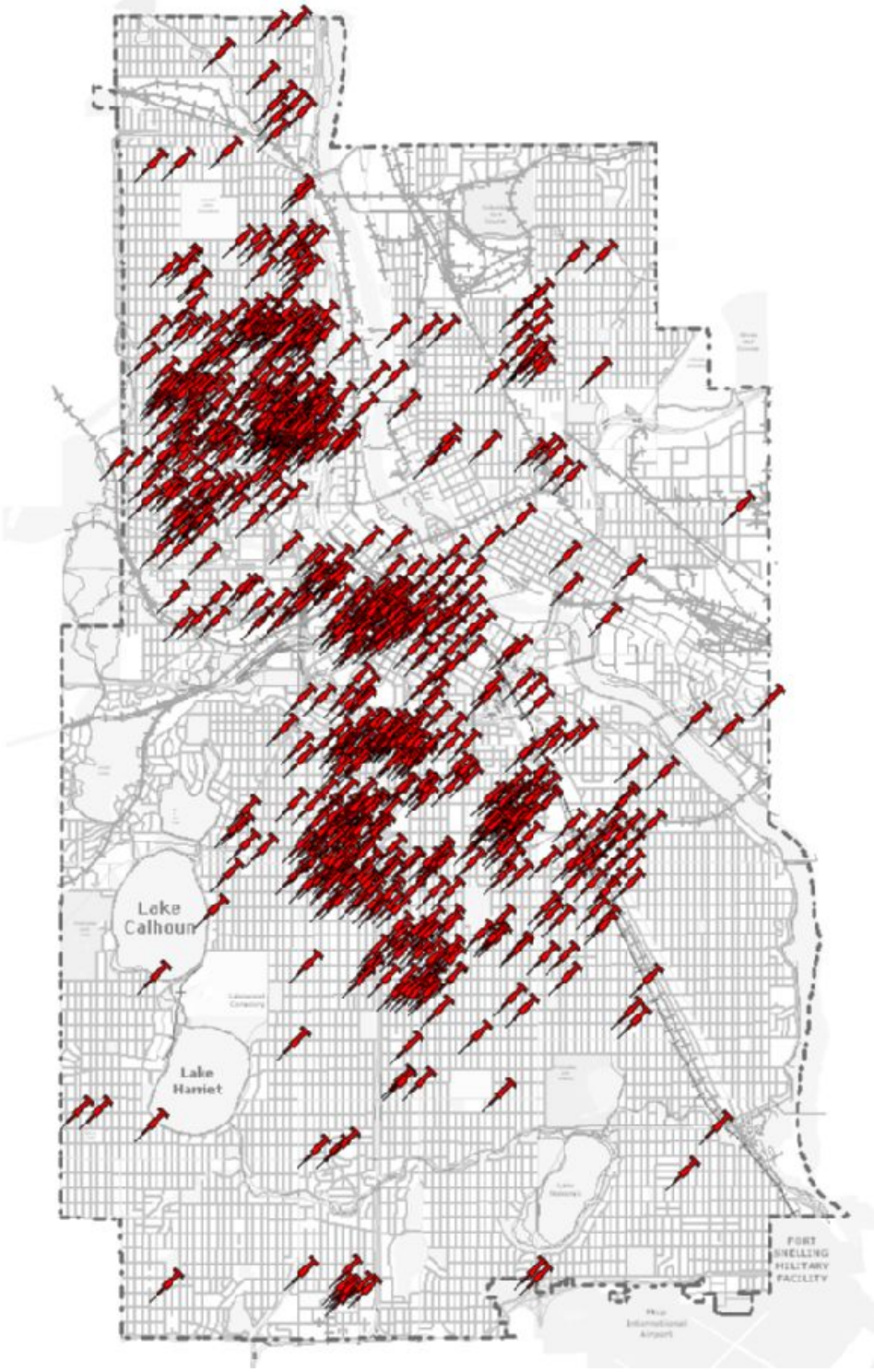
Map 2
Narcotics Offenses Reported, Minneapolis
April through June, 2005



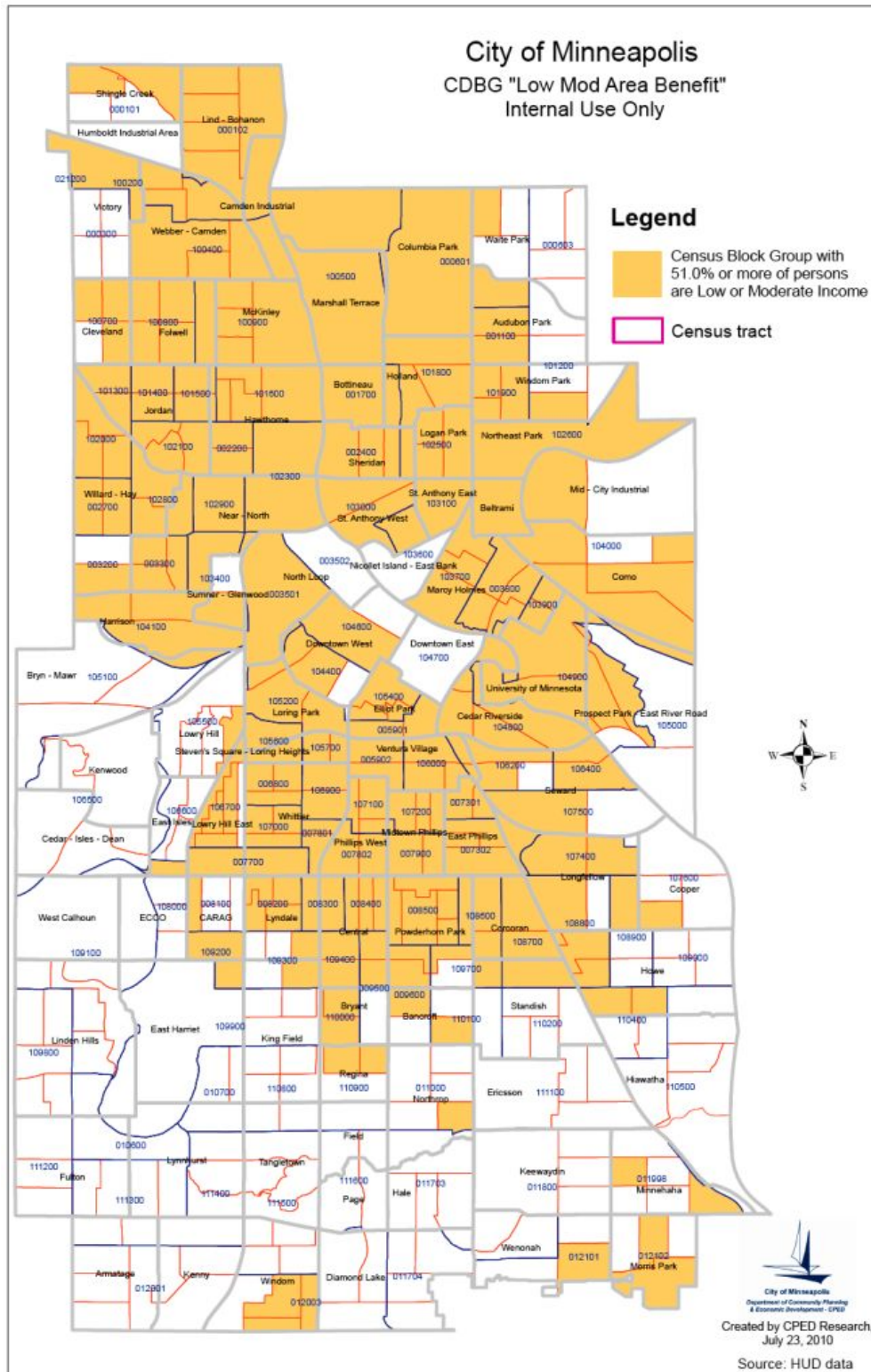
Map 3
Narcotics Offenses Reported, Minneapolis
July through September, 2005



Map 4
Narcotics Offenses Reported, Minneapolis
October through December, 2005



Map 5



Source: Minneapolis Community Planning and Economic Development Department, with HUD Data

We suggest many tentative conclusions which may be drawn from all of this data:

* The number of rental dwelling units in the rest of the city dwarfs the number of displaced units which were the target of the Hollman Decree. (Other very high concentrations of subsidized housing remain intact. For example, Horn Towers in South Minneapolis contains 500 units on one half of a city block.) We can see from Table 2 that the number of tenants that may be forced to move due to a criminal act by themselves, a family member, or a guest is roughly half the number forced to move as a result of the Hollman Decree. Devastating though the unintended consequences of the Hollman Decree may have been for two thousand people, in the City of Minneapolis alone, it appears that around a thousand residents are likely to be displaced annually due to Crime-Free Multihousing's or similar policies. These residents are primarily uprooted from lower income neighborhoods in the city. Put one way, an unofficial Hollman Decree is replicated every two years in Minneapolis, albeit with more diffuse results.

* The likelihood of individuals to lose their housing as a result of being arrested for qualifying offenses in Minneapolis increased when government regulation of housing expanded to include consideration of crimes committed in residential properties and crime patterns associated with those dwelling therein. With the percentage of Minneapolis owners being swiftly informed of the criminal acts of their tenants increasing each year, and the number of dwelling units they manage now exceeding half of all the units in the city, the annual displacement of low-income and minority residents is likely to increase. The internet has enabled law enforcement to more rapidly contact licensed businesses and residential property owners and managers with relevant and actionable crime information. While Minneapolis embraced this communications tool earlier than other cities, the use of the internet to automatically alert various constituencies in urban areas is expanding rapidly. Owners are not only motivated out of a sense of self-preservation but also by the appeal of being served by law enforcement more so than being "watched" by the police or regulatory agencies. Agencies are sharing more information which by law is considered public data, to fulfill the spirit of data practices laws as well as serve the public (Casady, 2010).

* Returning to the beginning of cascading events which often end up with a tenant's eviction, we look at the role many displaced tenants have in their own displacement: Namely, the "confidential reliable informant," usually a drug user taken under the wing of narcotics investigators to buy drugs with marked currency, is often a resident who has been evicted previously for the same offenses. Where housing advocates endorse stable housing as a way to bring people out of poverty, many in law enforcement are seeing the forced loss of housing as a way to modify criminals' behavior. Regardless, community pressure to side with the police in dealing with narcotics and other low-level crimes has motivated policymakers to exercise more power to force owners to address complaints of crime associated with their properties.

Much research is needed to find out more about the above-detailed factors, as well as others outside of consent decrees and policy decisions by federally regulated public housing, might affect housing opportunities for the poor. We raise the following questions as suggested areas for fruitful research:

For many of the urban poor who are uprooted due to arrests for criminal acts, it is still the courts which facilitate evictions in the end--the police may demand it and rental owners may ask for it, but in Minneapolis it is Hennepin County Housing Court, and civil courts in other jurisdictions, which authorize it. To what degree do the courts weigh in on behalf of the owners? Are the standards of procedure stacked in favor of the owner as plaintiff and against the suspected tenant? How can the results of these eviction proceedings be quantified such that reforms can be recommended which mitigate the long-term harm done to those losing their housing? The Hollman Decree and the Supreme Court's upholding of the use of the Crime-Free Lease Addendum notwithstanding, are there avenues through the courts which can limit the unintended consequences these tools often appear to have on low-income families and communities of color?

Have the urban poor indeed been deconcentrated to a significant degree, or have they merely re-segregated to other neighborhoods? Put another way, have the benefits of deconcentration outweighed the unintended detriments? Goetz provides well-considered conclusions for Minneapolis; how have other cities fared?

Many municipalities may have mandated one or many of the Crime Free Multihousing practices. Have they gone too far? Have any incorporated programs to "rehabilitate" residents whose housing and criminal histories have been tainted as a result of their city implementing CFMH? To what degree do they create partnerships to assist those who have lost housing due to their association with people arrested for CFMH offenses, and who have not been arrested themselves? To what degree are cities using existing partnerships such as established "restorative justice" organizations, which help offenders in getting charges dismissed and records expunged?

Regarding private rental properties, this author has seen a growing interest in and utilization of the CFMH's lease addendum. However, Minneapolis does not require the use of the addendum by all owners, as do some of its suburbs. The MPD will require it of owners whose properties have been the target of a narcotics investigation, but only requires a written management plan when such offenses trigger the Conduct Notice process. There is no obligation on the part of the MPD to follow up with owners to be sure every new tenant has signed the addendum. Do other cities require such documentation? How much cooperation are they getting from owners?

Lastly, the impact of internet technology on these and other public policies cannot be understated. In George Orwell's "Nineteen Eighty-Four" the protagonist, Winston Smith, alters the official records of

individuals on behalf of policy-makers, even to the point where he sends individuals' whole life histories down the "memory hole." It would appear that in this era of information technology, that much of the opposite has been happening: A person's history may certainly be altered and misrepresented in print or on computer screens, but not only is information likely to not be altered, it can replicate like a virus through the expanded, instant access on the world-wide web, forwarded wholesale to those who may or may not be interested in it, and virtually guarantee that true or false information ascribed to a person will never be erased, so long as there is electricity to keep computer data servers running. There are numerous questions that are raised by the implementation of systems such as Minneapolis' Action Alerts, but first and foremost, what policies can be considered to reduce the potential for harmful data to be kept in perpetuity? If not, are there policies which can be amended to, perhaps, build in a delay before it must be released to the public? Data practices legislation across the country has been intended to hold government agencies accountable for the service they render to the taxpayers and voters; however most of these laws were written without consideration of the power of the internet and without anticipating the destabilizing affect that the wholesale distribution of information can have on a community.

Certainly there are many more questions that can be asked and packaged for research, but if the above are answered, much ground can be gained in understanding the affects that Crime Free Multi-Housing and the licensing and the regulation of rental properties has on the poor and misdemeanor underclass.

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CRIME FREE LEASE ADDENDUM

In consideration of the execution or renewal of the lease of the dwelling unit identified in the attached lease, Property Owner/Manager and Resident agree as follows:

- 1) Resident, any members of the resident's household, a guest or other person under the resident's control, shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the **illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance** (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).
- 2) Resident(s), any member of the resident's household, a guest or other person under the resident's control, shall not engage in **any act intended to facilitate criminal activity**, including drug-related criminal activity, on or near the said premises.
- 3) Resident or members of the household **will not permit the dwelling unit to be used for, or to facilitate criminal activity**, including drug-related criminal activity regardless of whether the individual engaging in such activity is a member of the household, or a guest.
- 4) Resident, any member of the resident's household, a guest, or another person under the resident's control, shall not engage in the **unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance** at any location, whether on or near the dwelling unit or otherwise.
- 5) Resident, any member of the residents's household, a guest or another person under the resident's control, shall not engage in any criminal activity, including **prostitution, criminal street gang activity, threatening, intimidating, or assaultive behavior** including but not limited to the **unlawful discharge of firearms**, on or near the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety, and welfare of the landlord, his agent or other residents and/or involving imminent or actual serious property damage.
- 6) VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.
- 7) In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of this addendum shall govern.
- 8) This lease addendum is incorporated into the lease executed or renewed this day between Property Owner/Manager and Resident(s).

It is understood and agreed that a single violation shall be good cause for termination of this lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by the preponderance of the evidence.

Appendix B. Portions of Minneapolis Ordinance 244.2020 regarding the selection of properties for which owners may be held accountable for criminal activity occurring on the premises.

III. Procedures for Enforcing Minneapolis Ordinance 244.2020

- A. The decision to begin an investigation will be based on firm evidence of disorderly use and/or complaints from the community that would indicate disorderly use.
- B. Upon learning of a possible disorderly use, MPD staff will verify that the property is licensed for residential rental.
- C. If the property is so licensed, MPD staff will determine the licensed owner and property manager by checking Inspections Division records.
- D. MPD staff will identify the tenant(s) and/or tenant's guest(s) who were involved in the possible disorderly use, by name and date of birth.
- E. MPD staff will determine if it is appropriate to start enforcement under Ordinance 244.2020. A single incident of gambling; prostitution; unlawful sale or possession of controlled substances; unlawful sale of alcoholic beverages; or unlawful possession, transportation, sale or use of a weapon (as defined in section I, above) is sufficient for enforcement under 244.2020.
- F. Three incidents of noisy assembly or disorderly conduct (as defined in Section I, above) within a 12- or 18-month period (explained in Section I, letter F, above) are required in order for enforcement under 244.2020. One of the three incidents of noisy assembly or disorderly use must be documented via a police report or MPD Party Call form in order for enforcement to proceed.
- G. Evidence of pending eviction of the tenant involved in the disorderly use in accordance with Ordinance 244.2020 (f) will halt further enforcement of the ordinance. The eviction action must be diligently pursued and must predate the disorderly use incident.
- H. The decision to pursue enforcement under 244.2020 will be reviewed by Central Community Crime Prevention/SAFE in the MPD.
- I. If it is appropriate to proceed, MPD staff will notify the license holder of the disorderly use by certified mail, using a letter format that has been approved by the MPD and Inspections Division. (This notification is often referred to as a "first letter.") This letter will direct the license holder to take appropriate action with the assistance of the Minneapolis Police Department. Documentation of the disorderly use and a copy of Ordinance 244.2020 will be included with the letter.
- J. The staff investigating the disorderly use will open a SAFE case in CAPRS when the license holder is sent a first letter.
- K. If a second incident of disorderly use is determined to have occurred at the property within within a 12- or 18-month period (explained in Section I, letter F, above) of the first incident, MPD staff will notify the license holder by certified mail, using a letter format that has been approved by the MPD and Inspections Division. (This notification is often referred to as a "second letter.") The license holder will be instructed to submit a property management plan to the MPD within 10 days. Documentation of the disorderly use and property management plan options will be included with this letter.
- L. MPD staff will review the property management plan submitted by the license holder. If it is acceptable, it will be retained. If it is not acceptable, the license holder will be asked to submit an appropriate plan.
- M. If a third incident of disorderly use is determined to have occurred at the property within within a 12- or 18-month period (explained in Section I, letter F, above) of the second incident, MPD staff, the City Attorney's office and the Inspections Division will review the three incidents to insure that they meet the criteria for license revocation.
- N. If the incidents meet the criteria, a notice of the recommendation to revoke the license will be sent to the owner. The owner has 15 days to file an appeal.
- O. If the owner appeals the license action, the rental licensing board will hold a hearing and forward their recommendations to the City Council.
- P. The City Council will decide whether or not to revoke the license.
- Q. If the City Council decides to revoke the license, the Mayor will sign the revocation.