

Coalitions have brought litigation challenging local anti-immigrant ordinances in Hazleton, PA; Valley Park, MO; Escondido, CA; Riverside, NJ; Farmers Branch, TX; and Cherokee County, GA. The ACLU Immigrants' Rights Project, MALDEF, PRLDEF and a number of local groups and advocates are litigating these challenges.

All of the challenged ordinances include immigration-status-based restrictions on rental housing. The Hazleton, Valley Park, and Riverside ordinances also regulate employment of non-citizens. The lawsuits raise various claims, including claims under the Supremacy, Due Process, Equal Protection, and Contracts Clauses, the First Amendment, § 1981, the Fair Housing Act, and state law.

Court orders currently prevent enforcement of any of the challenged ordinances.

The Escondido litigation, *Garrett v. City of Escondido* (S.D. Cal. No. 06-cv-2434), is complete. Judge John A. Houston granted the plaintiffs' application for a temporary restraining order in a decision available at 2006 WL 3613703. The City subsequently consented to entry of an injunction permanently barring enforcement of the challenged ordinance and to payment of \$90,000 in attorneys' fees to plaintiffs' counsel. The City estimated its own legal fees at between \$100,000 and \$150,000, further stating that those fees could have eventually exceeded \$1 million (in addition to any fees awarded to the plaintiffs). The City also noted that "the litigation ... quickly revealed further problems, including the lack of an assured federal database to determine the status of individuals for housing purposes."

The other cases continue:

*Lozano v. City of Hazleton* (M.D. Penn. No. 3:06-cv-01586): The City has amended its ordinance multiple times, most recently at the end of December 2006. Plaintiffs filed a second amended complaint this month. Trial is currently set to begin March 12. Judge James M. Munley's decision granting a TRO is reported at 459 F. Supp. 2d 332.

*Reynolds v. City of Valley Park* (Mo. Cir. St. Louis No. 06-cc-003802): This state court case is set for trial March 1. The court has entered TROs suspending enforcement of the original and amended ordinances and recently denied defendant's attempt to dismiss the case on standing grounds.

*Riverside Coalition of Business Persons v. City of Riverside* (D.N.J. No. 06-cv-05521): Plaintiffs filed this case in state court raising only state law claims. The City removed the case to federal court. Oral argument on plaintiffs' motion for remand is set for Feb. 23.

*Vasquez v. City of Farmers Branch* (N.D. Tex. No. 06-cv-2376): Plaintiffs in a separate state-court action obtained a TRO preventing enforcement of the city's ordinance. New ordinance proposes repealing the original ordinance and contains revised provisions restricting immigrants' access to housing. The new ordinance was to be discussed at a Jan. 22, 2007 meeting and would not be enforced before May 22, 2007.

*Robert Stewart, Inc. v. Cherokee County* (N.D. Ga. No. 07-cv-0015): City immediately consented to entry of a temporary restraining order preventing enforcement and staying the litigation pending resolution of ongoing challenges to similar ordinances.

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