

Judge Halts Texas City's Immigration Law

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DALLAS (AP) -- A federal judge on Tuesday blocked the Dallas suburb of Farmers Branch from enforcing a voter-approved law prohibiting apartment rentals to illegal immigrants until a legal challenge is resolved.

U.S. District Judge Sam Lindsay had previously issued a temporary restraining order in May, blocking the law a day before it was to take effect. He issued a preliminary injunction Tuesday.

"Farmers Branch, rather than deferring to the federal government's determination of immigration status, has created its own classification scheme for determining which noncitizens may rent an apartment," Lindsay wrote.

The law would have required apartment managers to verify that renters are U.S. citizens or legal immigrants before leasing to them, with a few exceptions. Landlords would have faced fines of up to \$500 for violating the measure with each day considered as a separate violation.

"Today's decision should serve as a cautionary tale for other Texas municipalities that have considered similar ordinances," said Lisa Graybill, legal director for the American Civil Liberties Union of Texas, which is suing the city.

Opponents of the law are preparing for a trial, said William A. Brewer III, lead counsel for three apartment complexes suing Farmers Branch. They plan to seek damages in the millions for the business they've lost since the ordinance was announced, plus legal fees, Brewer said.

Farmers Branch voters endorsed the ordinance 2-to-1 in May during the nation's first public vote on a local government measure meant to combat illegal immigration. City council members unanimously approved the measure last year, saying it was necessary to protect the safety and well-being of residents.

"We believe still that the city fundamentally has the right to inquire of apartment rental applicants whether or not they are legally entitled to live in the United States, and that's what our ordinance would do," said Matthew Boyle, an attorney for Farmers Branch.

Opponents of the ordinance have argued that it is unconstitutional, discriminatory and too vague.

They say apartment managers, and not immigration authorities, would determine who is eligible to live in Farmers Branch and face the legal repercussions of those decisions. The law also prevents U.S. citizen children and their undocumented immigrant parents from living together in Farmers Branch, opponents say.

Attorneys for the city argued the ordinance simply determines who should or should not be in the country, but does not regulate immigration.

Nationwide, more than 90 cities or counties have proposed, passed or rejected laws prohibiting landlords from leasing to illegal immigrants, penalizing businesses that employ undocumented workers, or training police to enforce immigration laws.

"Around the nation, every judge who has reviewed these local anti-immigrant ordinances has put a stop to them," said Nina Perales, the regional counsel for the Mexican American Legal Defense and Educational Fund who argued for the preliminary injunction