

## PRESS RELEASE

### SETTLEMENT IN ESCONDIDO RENTAL ORDINANCE LAWSUIT— CITY AGREES TO PERMANENT INJUNCTION AGAINST ENFORCEMENT



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SAN DIEGO – In an unexpected but welcome reversal, the city of Escondido agreed to settle the lawsuit brought against it by a coalition of civil rights organizations challenging a controversial city ordinance that bans renting apartments to undocumented immigrants. The settlement calls for a permanent injunction against enforcement of the ordinance and for a fixed amount of plaintiffs' attorney fees. A federal judge had already granted a temporary restraining order against the ordinance last month.

Plaintiffs and their attorneys were thrilled by the turn of events. "I'm glad the city came to its senses and settled this case," said Roy Garrett, a landlord and plaintiff. The lawsuit claimed that the ordinance was illegal and unconstitutional on a number of grounds, including that it was preempted by federal law and violated due process and the property, fair housing and contract rights of both landlords and tenants.

Federal Judge John Houston, in issuing the temporary restraining order, said the ordinance raised "serious questions" about a number of federal and state issues, and expressed concern about tenants being evicted without due process or a public hearing. The settlement must be approved by Judge Houston.

Coalition attorneys believe that it is in the best interest of Escondido and its residents for the city to forego a costly and likely losing case. "In light of the ordinance's significant constitutional shortcomings, an early resolution is to everyone's benefit," said Phillip Tencer, with Colley Godward Kronish, LLP. "We made it clear, before the ordinance was voted on, that it would not stand up to legal scrutiny," said David Blair-Loy, legal director for the American Civil Liberties Union of San Diego & Imperial Counties. "Other cities that have similar legislation should heed the lesson of this case," said ACLU Immigrants' Rights Project attorney Omar Jadwat. "These ordinances will not withstand challenge, and must be repealed."

"Local anti-immigrant ordinances are contrary to the Constitution and bad public policy. Many have been defeated across the country and have left communities divided. MALDEF is pleased that the Escondido City Council has agreed that it will never enforce this law," said MALDEF staff attorney Kristina Campbell. "While Congress failed to enact comprehensive immigration reform this year, at least the City of Escondido has taken a positive step by rejecting an unworkable and unlawful proposal that divided the community and would not have brought us closer to immigration reform. MALDEF calls upon the new Congress and President Bush to enact comprehensive immigration reform early in 2007."

"It is our hope that Escondido will now focus its efforts on bringing its citizens together, not driving wedges between them," said Alan Mansfield of Rosner & Mansfield, LLP. "It is also our hope that other cities will do the right thing, as Escondido has, and either suspend or repeal similar ordinances."

Members of the coalition challenging the ordinance include the American Civil Liberties Union, the Fair Housing Council of San Diego, the Mexican American Legal Defense and Educational Fund, People for the American Way, and three private law firms—Brancart & Brancart, Cooley Godward Kronish LLP, and Rosner & Mansfield, LLP.