

Law Firms Plan to Challenge Alien Ban

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By: Keith Phucas

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BRIDGEPORT - Two Philadelphia law firms plan to file a legal challenge to the borough's illegal immigration ordinances in January, according to attorneys at the firms.

Last week, the borough agreed not to enforce its immigration ban in the remaining days of 2006 and to give 10-day written notice before taking any future enforcement action.

According to a press release from Fair Housing Council of Montgomery County, Bridgeport would "postpone" enforcing the ban and related ordinances to forestall a court injunction by Public Interest Law Center of Philadelphia and Reed Smith LLP.

Bridgeport adopted two ordinances in November that would affect illegal aliens. The Illegal Immigration Relief Act prohibits illegal immigrants from working or renting in the borough. Another measure requires registering rental properties and tenants.

In order to rent housing in Bridgeport under the new rental registration measure, prospective tenants would have to show proof of legal citizenship or residency.

Jennifer Clarke, executive director of the Public Interest Law Center, said her organization has been working on a legal challenge to the ordinances.

"We're preparing a case," she said.

Clarke said some Bridgeport landlords are confused about how to implement the rental registration law.

"That is the heart of the problem," she said. "No one's really clear on how it's going to work."

In Bridgeport, the rental registration ordinance authorizes Bridgeport's police, fire officials, code enforcement officer or director of public works to enforce the housing law.

The part of the ordinance governing occupancy limits, which is based on the 2003 International Property Maintenance Code, prohibits overcrowding of housing units.

Recently, the county's Fair Housing Council raised concerns about how Bridgeport would treat undocumented foreign nationals whose paperwork was being processed or renewed.

And the housing group wondered whether enforcing the new rental measures would run afoul of the state's Landlord Tenant Law.

And although borough officials must rely on the federal government to verify an individual's

immigration status, a December letter to the editor of The Times Herald from Fair Housing Council questioned Bridgeport's ability to "accurately determine a person's legal status given that the federal system in place is unreliable and slow."

Also the housing council asked if the borough could ensure landlords would not be held liable for discriminatory action taken to comply with the ordinance.

As well, the Philadelphia attorneys agreed not to seek an injunction against Bridgeport before the end of the 2006 calendar year without giving the borough prior notice.

Michael Churchill, a lawyer with Public Interest Law Center, said attorneys would mount a "comprehensive legal challenge" citing federal, state and local laws.

"The purpose of this is so the courts can see what actually is going on," Churchill said.

A lawsuit should clarify the "rights and duties" of the borough, he said.

He and other attorneys have been interviewing borough landlords and Hispanic business owners.

Bridgeport Borough Councilwoman Juanita Coover first proposed an illegal alien ban at a council workshop Aug. 8, less than a month after the city of Hazleton passed measures restricting undocumented immigrants from renting or working there.

In August, the American Civil Liberties Union of Pennsylvania (ACLU) and several immigration rights groups challenged the Hazleton law on constitutional grounds.

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