

U.S. Supreme Court denies review of Farmers Branch immigration ordinance

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The U.S. Supreme Court issued [an order](#) this morning denying review of a lower court ruling against an immigration ordinance in Farmers Branch that sought to bar those in the U.S. unlawfully from rental housing.

The decision should bring an end to a seven-year-old legal battle over variations of an immigration ordinance in this suburb of 29,000.

"The U.S. Supreme Court has rejected the city's final appeal," said Nina Perales, vice-president of litigation at the Mexican-American Legal Defense and Education Fund, one of the firms suing the city.

"After more than 7 years of litigation, during which the city lost at every stage, it is time for Farmers Branch to let go of its immigration ordinance. Today's ruling is a strong message that local immigration laws are unconstitutional and hurt cities because they waste precious resources and undermine community relationships."

But Farmers Branch Mayor Bill Glancy said he wasn't sure the fight was over. He said he needed to discuss the Supreme Court decision with the rest of the City Council, a group with three new council members since the ordinance was first proposed.

Glancy questioned why a lower appellate court allowed an immigration ordinance on rental property in Fremont, Nebraska, to stand. "I guess if we are in Nebraska, we can do it, and if we are in Texas, we can't," said Glancy.

Glancy will not be seeking re-election this May.

The U.S. Supreme Court hasn't ruled yet on whether it will take up the appeal in the Nebraska case.

The litigation against the city was brought by MALDEF, the ACLU and the pro-bono unit of the Dallas-based corporate law firm Bickel & Brewer.

The city's outside counsel included Kris Kobach, a Kansas-based lawyer who has led fights against illegal immigration around the nation and has worked for the legal unit of the Federation for American Immigration Reform or FAIR.

Tensions in Farmers Branch began, in part, when the old city council said the federal government refused to grapple with the issue of illegal immigration.

In 2006, the City Council first began discussing an ordinance that would block immigrants in the U.S. unlawfully from rentals. Several lower courts ruled against the city, saying that immigration policy was a

federal issue. In New Orleans, at the 5th U.S. Circuit Court of Appeals, the city received a split decision that largely went against the ordinance.

Last August, the Farmers Branch City Council [voted 3-2](#) not to give up the fight to ban immigrants in the U.S. unlawfully from renting in the city. Council members Jeff Fuller, Ben Robinson and Harold Froehlich voted to appeal. Ana Reyes and Kirk Connally voted against it.

The city of Farmers Branch has spent \$6.1 million, through 2013, on expenses related to the illegal immigration lawsuits, the city finance chief said. More than \$2 million in bills are on hold.

In 2007, city residents voted 2-to-1 in approval for a version of the ordinance in a non-binding referendum.

The stymied ordinance called on prospective tenants to prove they are in the U.S. lawfully as part of obtaining a \$5 residential occupancy license. The city's building inspector would have been responsible for verifying a tenant's immigration status with the federal government. Tenants or landlords who violated the ordinance could have faced class C misdemeanor charges under the ordinance.

The persistence of the fight drew national attention and galvanized Hispanics in the city to fight back. Ten Hispanic residents successfully filed a Voting Rights Act civil suit. A federal judge sided with the plaintiffs in August of 2012 and established single-member districts in the city. That resulted in the election of the first Mexican-American on the council.

At the Bickel & Brewer firm, partner Bill Brewer said the case should play a role in the national debate over local governments attempting to regulate immigration.

"Our hope is that the city will close this unfortunate chapter in its history and begin to embrace the changing demographics of the community - as part of a more inclusive and dynamic future," Brewer said in a statement.