



# MALDEF

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## TALKING POINTS ON HOUSING PROVISIONS OF ANTI-IMMIGRANT ORDINANCES

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- Local anti-immigrant laws and proposed laws often include components related to housing. In general, these provisions impose penalties on property owners or landlords who rent or lease to undocumented immigrants. An ordinance may provide for significant penalties, *even if the property owner did not know* that a tenant was undocumented.
- The power to regulate immigration is exclusively reserved to the federal government, and so these housing ordinance – which are aimed at controlling immigration – are *pre-empted* by federal law.
- No matter how frustrated a local government official is with our broken immigration system, regulating immigration through a housing ordinance of this type is off-limits.
- Anti-immigrant housing ordinances may also conflict with provisions of the Fair Housing Act and other laws that protect against discrimination in housing, on the basis of race, ethnicity, or national origin.
- These ordinances will lead to racial profiling and housing discrimination against Latinos and other groups. Because these housing ordinances often impose severe penalties, landlords may question the wisdom of renting to anyone who looks or sounds “foreign.” Landlords who are afraid of making a mistake and incurring heavy fines will avoid renting to any prospective tenants they believe might be undocumented.
- Our nation’s broken immigration system will not be fixed at the local level, on an ad hoc basis. A comprehensive solution at the national level is required; local legislation targeting immigrants just fuels divisiveness within our communities.