

For Immediate Release:
May 3, 2010

Contact:

Bilen Mesfin, Lawyers' Committee, 415-543-9444 ext. 206, bmesfin@lccr.com
Ilene J. Jacobs, CRLA, 530-742-7235, ijacobs@crla.org

Ninth Circuit Court of Appeals Upholds Reach of the Federal Fair Housing Act in Modesto Municipal Services Case

SAN FRANCISCO, CA -- The Ninth Circuit Court of Appeals has refused to disturb a three-judge panel's opinion that Latino residents can sue Stanislaus County for discrimination under the federal Fair Housing Act (FHA) for failing to provide adequate municipal services. In doing so, the court leaves untouched the earlier precedent-setting decision that the reach of the FHA includes discrimination occurring after the initial acquisition of a dwelling.

"Discrimination, whenever it occurs, violates the Fair Housing Act," said Robert Rubin, Litigation Director of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. "It makes no sense to interpret the FHA as barring discrimination at the time of sale and but then allowing it to occur anytime after."

Residents of predominantly Latino neighborhoods in Modesto originally brought their case against Stanislaus County and the City of Modesto in 2004. The plaintiffs alleged that their neighborhoods, located in unincorporated islands that had been annexed around by the City of Modesto, received inferior municipal services and also faced certain legal barriers to annexation. The residents are being represented by the Lawyers' Committee and the California Rural Legal Assistance Inc., with Brian Brosnahan, an attorney at Kasowitz, Benson, Torres & Friedman serving as co-counsel.

In August 2007, a federal district court dismissed the residents' original claims. In October 2009, the Ninth Circuit's three-judge panel reversed that ruling, saying that residents in these neighborhoods could indeed sue the County under the FHA for discriminatory practices that extend beyond the acquisition of a house or dwelling. Following the October ruling, the City of Modesto and Stanislaus County petitioned for rehearing en banc but no judge on the full court voted to rehear the case.

Adopted in 1968, the FHA states it is illegal to "discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin." In recent years, some courts have interpreted the FHA to apply only to discrimination that

occurs during the purchasing phase of home ownership. The Ninth Circuit is the first Court of Appeals to expressly hold that discrimination occurring after the initial acquisition of housing is covered under the FHA.

###