

# TARGETING ILLEGAL IMMIGRATION: LOCAL ORDINATE ACTION

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This document is adapted, but distinct from, a report on the topic prepared for the U.S. Congressional Research Service.

### **Executive Summary**

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It has been traditionally the federal government's responsibility to prevent unauthorized immigration. However, from 1990 to 2005, estimates of the unauthorized alien population in the United States have risen from 3.5 million to 11.5 million people, a 325 percent increase. A small number of localities have taken action over the past few years to address unauthorized immigration within their jurisdictions by passing a series of ordinances and resolutions. Some localities passed ordinances and resolutions targeting the businesses and landlords who hire and rent to unauthorized aliens, while others passed legislation targeting day labor centers, loitering, and government services. Consistent with findings made in other studies,<sup>1</sup> at the time of our study we found that only approximately 100 localities have or are considering legislation that would impact their unauthorized alien communities.

Our research specifically focused on localities passing ordinances that explicitly targeted unauthorized aliens through employment and housing provisions. Out of over 25,000 municipalities and 3,000 counties in the United States, only 21 localities have passed legislation addressing unauthorized immigration in the key areas thought to influence illegal immigration—housing and employment. These ordinances were all passed between 2006 and 2008. The small number is surprising, given the recent media coverage on the topic.

For these 21 localities, we studied several demographic and economic characteristics for each locality over time to try to ascertain factors that may impact the enactment of legislation explicitly targeting unauthorized aliens. Our data had limitations, however, as for validity and reliability reasons we used United States Census data, which often does not include current data for smaller jurisdictions. This limited data indicated that although there seemed to be no similarities or trends within the economic characteristics, there were some trends within the demographic characteristics. These trends were only apparent when comparing the changes in the demographic characteristic over time. Findings show that rapid demographic change above that of the national average in the Hispanic population and foreign-born population at the locality level are similar across most of the 21 localities. Additionally, Department of Homeland Security estimates of the percentages of unauthorized aliens in each state are also higher for the state of many localities. Studying these and other demographic and economic characteristics in the future with more current data may yield other similarities across the localities.

Finally, we performed case studies in four of the 21 localities that passed legislation targeting unauthorized alien populations. These case studies show

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<sup>1</sup> Ramakrishnan, S. Karthick and Tak Wong. 2007. "Immigration Policies Go Local: The Varying Responses Of Local Governments To Undocumented Immigration." University of California – Riverside Campus: Riverside, CA. According to this study, 26,529 localities, or 99.3% of all cities, have not enacted measures to address the unauthorized alien population.

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that there are differing opinions within localities as to why legislation was initially passed and what future steps need to be taken regarding these ordinances. However, a perceived lack of federal enforcement of current immigration laws appears to be a main impetus for locality action.

## **Introduction**

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### **Background and Study Approach**

The federal government is responsible for enacting and enforcing immigration laws; nevertheless, some localities have decided that federal laws do not sufficiently address the presence of unauthorized aliens in their governing area. The analysis began with identifying possible localities with immigration-related legislation, including ordinances and resolutions, using information compiled by the Fair Immigration Reform Movement (FIRM), a nonprofit organization studying immigration policy.<sup>2</sup> This list is often referred to as the leading source for identifying local immigration legislation. To ensure we had the most complete listing of locality legislation and content throughout the project, we continuously conducted extensive publication searches on the Internet and used tools such as LexisNexis to validate and expand the initial FIRM listing. In addition, localities with pending legislation were periodically contacted by team members to verify the status of the proposed ordinances.

While approximately 26 percent of the ordinances and resolutions on the original list pertained to “English Language Only” legislation, the study’s scope focused on the two types of ordinances thought to more directly impact illegal immigration and thus are the most controversial—restrictions on employment and housing of unauthorized aliens. For the first stage of data collection, we contacted localities to secure copies of legislation if they were not otherwise publicly available to determine the legislation’s current status. In some cases, we were unable to contact a locality official and relied on other sources for our initial information. Throughout the duration of the project, we constantly reviewed these and other sources to keep our enacted legislation listing and content information as current as possible. The complete list of localities enacting legislation is provided in Appendix I.

Using qualitative analysis of the data, we developed a coding scheme of major codes and related subcodes for the legislation content. The coding scheme is defined in Appendix II. The most important code categories for our analysis are (1) Employer Requirements, (2) Law Enforcement, (3) Individual Impact, and (4) Housing Restrictions. The sub-categories more explicitly identify provisions and are discussed in the second section of this report.

Lastly, we conducted four case studies. The selection criteria are discussed in the fourth section of this report. Case study questions were designed to expose the major impetus for ordinance proposal, the process of development and

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<sup>2</sup> FIRM advocates for comprehensive immigration reform and the civil rights of immigrants in America.

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implementation, the results of the proposal, and the future for the ordinance and the community.

### **Data Limitations**

One major caveat of this analysis is the lack of U.S. Census information on small localities after year 2000. Therefore, recent changes in economic or demographic characteristics could not be comprehensively analyzed at the local level. In addition, other information that might be useful in the analysis, such as crime statistics or school test scores were either unavailable or inconsistent at the locality level. In addition, estimates of the unauthorized populations utilized state estimates, the only estimates available. Other information reflecting the possible influx of unauthorized aliens, such as school enrollments or hospitalizations was not available.

Following sections discuss ordinance observations, demographic and economic characteristics of localities enacting ordinances, and specified case studies. The second section provides an in-depth look at ordinance content and analyzes the similarities and differences in ordinances across localities. The third section analyzes several demographic and economic characteristics across localities and across time, and identifies trends among the localities with enacted ordinances. The fourth section provides summaries of our findings at our selected localities for case study, which include Farmers Branch, Texas; Hazelton, Pennsylvania; Prince William County, Virginia; and Valley Park, Missouri. In addition, this final chapter provides concluding observations on case study localities and similarities among these localities enacting ordinances relating to illegal immigration. Chapter Five presents summary conclusions and future research suggestions.

## **Ordinance Observations**

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This section provides an analysis of the similarities and differences in ordinances across localities.<sup>3</sup> The first part describes the status of proposed legislation targeting unauthorized aliens. The second part provides an analysis of 21 localities with enacted ordinances and the ordinances' language content in categories including employer requirements, employer penalties, law enforcement, individual impact, housing restrictions, and housing penalties.

### **Locality Identification and Status**

We found that a very small number of localities in the nation were interested in ordinances in the key coverage areas of employment and housing. For various reasons, some localities have considered, but have not enacted, ordinances targeting unauthorized aliens. Appendix III displays the localities that were not included in our descriptive findings as they had not enacted ordinances or there was insufficient information to make a determination. These are those localities that (1) considered legislation but to date have not taken action; (2) defeated ordinances targeting unauthorized aliens; (3) have pending legislation, (4) have no information due to lack of responses to our inquiries; or (5) have legislation that affects unauthorized aliens but is either not specifically targeting them or is unenforceable. Data collection for the list of localities pursuing unauthorized alien legislation had a cut-off date of February 29, 2008.

There is interest, though limited in relation to the total number of localities in the United States, among localities in pursuing ordinances similar to the 21 localities with ordinances included in our analysis. Appendix III shows that 17 localities proposed ordinances, but measures targeting illegal immigration were tabled or merely discussed at council meetings. Fifteen localities proposed unauthorized alien ordinances or resolutions, but these efforts were defeated by community protests by opposition groups or were rejected by council members. Thirteen localities have proposed legislation that was pending at the conclusion of our study. Most of these localities appeared to have ordinances that were pending until localities, such as Hazleton, Pennsylvania, resolved legal disputes. In addition, 53 localities were removed from our list of localities because legislation did not specifically mention unauthorized aliens (e.g., establishing general occupancy limits on housing, which may have been intended to deter apartments being rented room by room to unauthorized aliens), were not enforceable, or focused specifically on "English Only" proposals that did not pertain to this analysis.

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<sup>3</sup> This section analyzes the ordinance content of current ordinances only. Localities with previous ordinances that have been superseded will be addressed in the case studies.

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### Ordinance Provision Content

We have included only those provisions that were clearly a part of an ordinance targeting unauthorized aliens. We categorized ordinance content into several broad groups. These included:

- Employer Requirements, such as requirements for businesses to complete an affidavit stating that they have verified labor status of employees. These often included penalties for noncompliance.
- Law Enforcement, such as a requirement for local law enforcement to check the immigration status of detained persons.
- Individual Impact, or the refusal of government services to unauthorized aliens.
- Housing Restrictions, such as a requirement placed on landlords to verify legal status of residents. These often included penalties for noncompliance.

Appendix IV provides the number and percentage of the 21 localities with ordinances containing provisions in the specific sub-categories. The 21 localities to date have enacted 24 ordinances targeting unauthorized aliens in the defined categories.<sup>4</sup> The following table summarizes our findings and shows that the majority of ordinances focused on employer and housing requirements:

Table 2A: Distribution by Ordinance Content

| Category              | # Localities | % Localities |
|-----------------------|--------------|--------------|
| Employer Requirements | 17           | 80.1%        |
| Law Enforcement       | 5            | 23.8%        |
| Individual Impact     | 1            | 4.8%         |
| Housing Restrictions  | 11           | 52.4%        |

We defined several sub-categories that more explicitly identify provisions in these four categories. For example, the employer requirements include the sub-categories of hiring, affidavit, federal verification participation, day labor center, employment status documentation, and penalties.

### Employer Requirements

Seventeen of the 21 localities, or 80.1 percent of the 21 localities, had ordinances with language regarding employer requirements. Specific sub-categories include hiring, affidavit, electronic federal verification participation, day labor center, employment status documentation, and penalties.

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<sup>4</sup> A locality is our unit of analysis. A locality could have more than one ordinance (as is the case in Valley Park, Missouri and Prince William County, Virginia) targeting unauthorized aliens.

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### Hiring

Fifteen of these 17 localities with employer requirements had legislation that prohibits the hiring of unauthorized aliens. The language was remarkably similar for most ordinances. Twelve localities had ordinances that generally stated, “It is unlawful for any business entity to recruit, hire for employment, or continue to employ, or to permit, dispatch, or instruct any person who is an unauthorized alien to perform work in whole or part.” The other localities had ordinances with slightly different wording. For example, four localities had ordinances that stated, “Aiding and abetting shall include, but not be limited to, the hiring or attempted hiring of illegal aliens.” Most localities defined “illegal alien” according to terms found in United States Code, Title 8, Section 1101 and verified legal status according to United States Code, Title 8, section 1373(c).

### Affidavit

Eleven localities required employers to sign an affidavit confirming their lack of knowledge of unlawful workers. The language referring to this requirement was similar for most ordinances. For example, language stated, “Every business entity that applies for a business permit to engage in any type of work...shall affirm that they do not knowingly utilize the services or hire any person who is an unlawful worker,” with minor differences. Some ordinances contained additional requirements tied to affidavits. For example, the ordinance of Cherokee County, Georgia, stated that the affidavit is also necessary to prove violations have ended. The ordinance of Lake Havasu City, Arizona, stated that submitting a false affidavit is subject to applicable penalties available for perjury.

### Electronic Federal Verification Participation

Eight localities of the 17 with employer requirements required businesses or the locality itself to participate in the federal government’s Basic Pilot Program, recently renamed E-Verify.<sup>5</sup> The specificity of the requirement differed across the localities. Three localities required only locality agencies to “enroll and participate in the Basic Pilot Program.” Five localities required both locality agencies and local businesses to enroll. For example, one ordinance stated, “All agencies of the locality shall enroll and participate in the Basic Pilot Program... [and] the business entity will participate in the Basic Pilot Program for the duration of the validity of the business permit.”

### Day Labor Center

Five localities restricted businesses from funding day labor centers that do not check for legal work status. Ordinance language across localities was similar, stating that this pertains to “the funding, providing goods and services to or aiding in the establishment of a day labor center, unless the entity acts with due diligence to verify the legal work status of all persons it employs.” These ordinances targeted day laborer centers that do not verify legal work status.

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<sup>5</sup> E-Verify, formerly the Basic Pilot Program, is a program managed by the United States Citizenship and Immigration Services (USCIS). This program allows employers to electronically check employment eligibility of employees through a federal database on the Internet.



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### Employment Status Documentation

Three localities with employer requirements required businesses to verify legal employment status through employment status documentation verification processes. These requirements appeared to be a reiteration of the current federal I-9 verification process and do not require additional steps to be taken, such as using E-verify. While all localities required documentation for employment, descriptions of what constitutes valid documentation varied with locales. To illustrate, the ordinance of Altoona, Pennsylvania considered valid documentation to be an individual's social security account number card or other documentation evidencing authorization of employment in the United States that the Attorney General finds, by regulation, to be acceptable. Bellaire, Ohio referenced a valid social security card or a valid immigration or non-immigration visa, while Lake Havasu City, Arizona, required a United States passport, resident alien card or registration card, or driver's license.

Two of these localities had more specific requirements for businesses, where these entities must verify an individual's identity through verifying driver's licenses and other identity documents. While both Altoona, Pennsylvania, and Bellaire, Ohio, required businesses to "verify a prospective employee's legal status," only Altoona detailed acceptable documentation for identity verification. This locality would accept an individual's drivers license or similar document issued for the purposes of identification by a state or "documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification."

### Penalties

All seventeen localities with ordinances issuing employer requirements included language in their ordinances penalizing employers not meeting stated requirements. Thirteen of the 17 ordinances penalized employers for noncompliance by revoking or suspending business permits or licenses. Nine included penalties that would deny city contracts or grants. Five localities had ordinances that penalized employers by issuing fines to businesses that hire unauthorized aliens. Two localities' ordinances created additional criminal penalties beyond fines, license loss, or grant or contract loss for noncompliance, such as imprisonment.

### **Law Enforcement**

Five of the 21 localities, or 23.8 percent, had ordinances that contained language regarding law enforcement efforts. Specific sub-categories for this code included national provision, status check, and other federal cooperation.

### National Provision

Four localities contained specific language concerning aiding or abetting unauthorized aliens within the United States, not just within the locality. These ordinances stated, "Any act that aids and abets illegal aliens within the United

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States, not just within the [locality] limits, will constitute a violation." National provisions in these ordinances were separate and distinct clauses from aiding and abetting provisions found under employer and/or housing requirements.

### Other Federal Cooperation

One locality, Prince William County, Virginia, pursued cooperation with the federal government. This locality explicitly stated its participation in the 287(g) program.<sup>6</sup>

### Status Check

In a separate clause, Prince William County mandated that locality police officers must confirm legal status in conjunction with an arrest.

### **Individual Impact**

One locality of the 21 analyzed enacted a legislation that focused specifically on unauthorized aliens by refusing them government services. This legislation, enacted by Prince William County, Virginia, contained language regarding individual impacts, specifically prohibiting the access of government services to unauthorized aliens. The resolution stated, "Services recommended for restriction from illegal immigrants include: Adult services to allow elderly and disabled to remain in homes, aging in-home services, sheriff adult identification services, rental and mortgage assistance programs, DORM substance abuse programs, HIDTA prevention program, elderly/disabled tax relief program, and tax exemption for renovation."

### **Housing Restrictions**

Eleven of the 21 localities, or 52.4 percent, passed ordinances with language regarding housing restrictions for unauthorized aliens. Specific sub-categories for this major code include (1) rent or lease and (3) identity documentation.

### Rent or Lease

All eleven localities enacted ordinances that placed prohibitions on landlords or residents from renting or leasing to unauthorized aliens. Six of these localities had language that stated, "It is unlawful for any person or business entity that owns a dwelling unit in the [locality] to harbor an illegal alien in a dwelling unit, knowing or in reckless regard disregard of the fact that the alien has come to, entered, or remains in the United States." The other five localities had similar ordinances, but did not state that it was unlawful to harbor unauthorized aliens. Instead, they stated, "Illegal aliens are prohibited from leasing or renting property" and "Aiding and abetting shall include, but not be limited to...renting or leasing to illegal aliens."

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<sup>6</sup> Section 287(g) of the Immigration and Nationality Act permits federal immigration authorities to enter into written agreements with states and localities that permit these entities to perform limited federal immigration enforcement functions. Since 287(g) agreements are expressly authorized by federal law, we did not examine state and local participation in such agreements

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### Identity Documentation

Seven of the localities with housing restrictions required property owners to supply or validate the citizenship status through identity documentation of a renter, leaser, or property buyer. Four ordinances stated, "A separate violation of this section shall be deemed to have been committed for each business day on which the owner fails to provide [locality] with the identity data needed to obtain a federal verification of immigration status." The other localities had wording changes with additional content. For example, the ordinance of Escondido, California, stated, "the owner will...submit to the Business License Division, a sworn affidavit stating each and every violation has ended."

### Penalties

All eleven localities with ordinances targeting housing restrictions included language that penalized violators. Nine of these enacted legislation that established monetary penalties for the lack of compliance with housing ordinances, including multiple offenses. Eight of the eleven localities had ordinances that denied, suspended, or revoked housing permits or licenses for noncompliance with housing ordinances. Only one of the eleven localities enacted an ordinance that placed additional criminal penalties on individuals who do not comply with housing requirements.

## **Locality Demographic and Economic Characteristics**

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### **Rationale and Limitations**

For the 21 localities with enacted ordinances pertaining to employment and housing, this chapter analyzes several demographic and economic characteristics across these localities and across time. Where available, we used United States Census Bureau data from three different time periods—1990, 2000, and 2005 to capture data prior to enactment of the ordinances. The ordinances addressed in this document were all passed between 2006 and 2008. Due to the sample size of the Current Population Survey, data from 2005 was limited to larger jurisdictions. The 21 localities are, for the most part, very small in size, thus limiting the use of Census data after the year 2000. We understand that demographic and economic trends from 2000 do not necessarily reflect the current changes occurring in these localities that have a bearing on efforts to reduce illegal immigration. Additionally, we compared Department of Homeland Security estimates of the percentages of unauthorized aliens in each state. Since the number of estimated unauthorized aliens residing in each locality was not available.

The ordinance content in the 21 localities primarily emphasized employment and housing restrictions and penalties. In an effort to better understand if there were possible demographic or economic factors that might be linked to the ordinance provisions, we compared the localities' demographic and economic data with national averages. We have also included an analysis of the percent changes from 1990 to 2000 and from 2000 to 2005 for each category, with the belief that the change over time may present a more complete picture of changes that occurred in these localities.<sup>7</sup>

### **Findings**

Changes in the percentage of the foreign-born population, in Hispanic populations, and in unauthorized alien populations on the state level were the only three characteristics showing any clear trends among the 21 localities. In general, localities had much lower percentages of these characteristics than the national average across all years. Although the relative numbers in Hispanic and non-citizen populations in these localities tended to be lower than the national average, the growth in these populations between 1990 and 2000 exceeded the national average. There were no discernable trends among localities for the economic characteristics we studied.

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<sup>7</sup> In calculating percentage change, we compared the difference between two years to the initial year  $[(\text{var}X_{2000}-\text{var}X_{1990})/\text{var}X_{1990}]$ . We did not look at *percentage point change*  $[\text{var}X_{2000}-\text{var}X_{1990}]$ .

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### Demographic Observations

The demographic data includes total population percentage changes from 1990 to 2000 and 2000 to 2005, by locality. We have also included information on the percentage of population that was Hispanic, non-citizen, and, at the state level, the estimated unauthorized alien population. Also included are the percentage changes from 1990 to 2000 and 2000 to 2005.

#### Change in Locality Population Observations (Table 3A)

In the percentage change of population from 1990 to 2000 across localities, we observed that 10 of the localities' percentage change were above the national average and 11 were below the national average. From 2000 to 2005, of the seven localities with data, four localities were above the national average in population and three were below the national average. Thus, there was no clear-cut trend related to population change that can be generalized for the whole group of localities that passed ordinances.

Table 3A. Change in Locality Population 1990 to 2005

| Localities              | 1990 to 2000 Percent Change | 2000 to 2005 Percent Change |
|-------------------------|-----------------------------|-----------------------------|
| <b>National Average</b> | <b>13.2</b>                 | <b>2.5</b>                  |
| Altoona                 | -4.5                        |                             |
| Athens                  | 12.2                        |                             |
| Beaufort County         | <b>39.9</b>                 | <b>8.9</b>                  |
| Bellaire                | -18.0                       |                             |
| Bridgeport              | 3.0                         |                             |
| Cherokee County         | <b>57.3</b>                 | <b>28.4</b>                 |
| Dorchester County       | <b>16.1</b>                 | <b>14.7</b>                 |
| Escondido               | <b>22.9</b>                 | -0.4                        |
| Farmers Branch          | <b>13.4</b>                 |                             |
| Gilberton               | -9.0                        |                             |
| Green Bay               | 6.1                         | -7.9                        |
| Hazelton                | -6.0                        |                             |
| Inola                   | 10.0                        |                             |
| Lake Havasu City        | <b>72.1</b>                 |                             |
| Mahanoy City            | -10.8                       |                             |
| Mission Viejo           | <b>27.9</b>                 | -3.2                        |
| Oologah                 | 6.6                         |                             |
| Prince William County   | <b>30.2</b>                 | <b>23.5</b>                 |
| Riverside               | -0.8                        |                             |
| West Mahoney            | <b>35.8</b>                 |                             |
| Valley Park             | <b>47.7</b>                 |                             |

\*Note: Localities above the national average are in bold and italicized.

#### Hispanic Population Observations (Table 3B)

For both 1990 and 2000, the Hispanic population percentage was greater than the national average in only two of the localities, while 19 fell below the national average of 9.0 and 12.5 percent respectively. Of those that fell below, only one locality fell relatively close to the national average with 7.7 percent of its population claiming Hispanic ethnicity in 1990 and one in 2000, at 12.1 percent.

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In other words, most of the localities had initial Hispanic populations much lower than the national average.

In 2005, of the seven localities with data, two localities had Hispanic populations above the national average of 14.5 percent and five had populations below. While the majority of localities had percentages near the national averages, there were two that stood relatively higher than the national average with percentages of 44.5 percent and 18.1 percent. However, most localities' percentage of Hispanic populations still fell well below the national average.

When examining percentage change across the years, a different trend emerged. While these localities had Hispanic populations smaller than the national average in 1990, their rate of increase from 1990 to 2000 and from 2000 to 2005, generally, exceeded the national rate of increase. From 1990 to 2000, 19 of the 21 localities saw the percentage of Hispanic population increase at a faster rate than the national average. Of these, 16 localities saw increases at a rate two times or more than that of the national rate. The Hispanic population in Athens, Alabama, for example, increased 1100 percent, compared with 39 percent for the nation. Only Inola, Oklahoma, saw growth at a slower rate than the nation and Bellaire, Ohio saw a decrease in the rate of Hispanic population growth.

For the seven localities with 2000 to 2005 data, a similar trend was apparent for the change in Hispanic population. Six of the seven localities saw the percentage change of their Hispanic populations increase at a faster rate than the nation. Only one locality's Hispanic population increased at a slightly slower rate (15.3 percent growth) than the nation's Hispanic population (16 percent).

Table 3B. Hispanic Population Percentages

| Localities              | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|-------------------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| <b>National Average</b> | <b>9.0</b>      | <b>12.5</b>     | <b>14.5</b>     | <b>38.9</b>                    | <b>16.0</b>                    |
| Altoona                 | 0.3             | 0.7             |                 | 133.3                          |                                |
| Athens                  | 0.4             | 4.8             |                 | 1100.0                         |                                |
| Beaufort County         | 2.5             | 6.8             | 8.4             | 172.0                          | 23.5                           |
| Bellaire                | 0.4             | 0.3             |                 | -25.0                          |                                |
| Bridgeport              | 1.1             | 3.8             |                 | 245.5                          |                                |
| Cherokee County         | 1.2             | 5.4             | 8.0             | 350.0                          | 48.1                           |
| Dorchester County       | 1.2             | 1.8             | 2.5             | 50.0                           | 38.9                           |
| Escondido               | 22.5            | 38.6            | 44.5            | 71.6                           | 15.3                           |
| Farmers Branch          | 20.1            | 37.2            |                 | 85.1                           |                                |
| Gilberton               | 0.1             | 0.3             |                 | 200.0                          |                                |
| Green Bay               | 1.1             | 7.1             | 9.1             | 545.5                          | 28.2                           |
| Hazelton                | 1.0             | 4.9             |                 | 390.0                          |                                |
| Inola                   | 0.5             | 0.6             |                 | 20.0                           |                                |
| Lake Havasu City        | 3.7             | 7.9             |                 | 113.5                          |                                |
| Mahanoy City            | 0.6             | 1.3             |                 | 116.7                          |                                |
| Mission Viejo           | 7.7             | 12.1            | 14.4            | 57.1                           | 19.0                           |
| Oologah                 | 0.1             | 1.0             |                 | 900.0                          |                                |
| Prince William County   | 4.5             | 9.7             | 18.1            | 115.6                          | 86.6                           |
| Riverside               | 2.6             | 4.1             |                 | 57.7                           |                                |

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| Localities   | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|--------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| West Mahoney | 3.0             | 5.2             |                 | <b>73.3</b>                    |                                |
| Valley Park  | 1.3             | 2.4             |                 | <b>84.6</b>                    |                                |

\*Note: Localities above the national average are in bold and italicized.

### Non-Citizen Observations (Table 3C)

In 1990, only three localities had non-citizen populations higher than the national average of 4.7 percent and one locality had the same percentage of non-citizens. Similar to the percentage of Hispanics characteristic, the majority of localities had non-citizen populations much lower than the national average in 1990. In 2000, only four localities had percentages higher than the national average. Two of the localities, Escondido, California, and Farmers Branch, Texas, had much higher non-citizen percentages than the national average.

There did appear to be similarities in the percentage change of the non-citizen population from 1990 to 2000. Fifteen of the 21 localities showed a percentage change above the national average of 40.4 percent from 1990 to 2000. Twelve of these 15 showed an increase at a rate two times or more than that of the national rate. Three localities showed a percentage change increase at a rate in non-citizen populations lower than the national rate and three localities had a decrease in the percentage change.

From 2000 to 2005, six of the seven localities with data available showed a percentage increase in the non-citizen population at a rate higher than the national rate of change of 9.1 percent. In fact, all six increased at a rate of at least 50 percent greater than the national average; four of these localities increased at a rate of over four times than that of the national rate. Only one showed a decrease in percentage change of non-citizen population from 2000 to 2005.

Table 3C. Percentages of Foreign-Born – Not a Citizen Population

| Localities              | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|-------------------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| <b>National Average</b> | <b>4.7</b>      | <b>6.6</b>      | <b>7.2</b>      | <b>40.4</b>                    | <b>9.1</b>                     |
| Altoona                 | 0.2             | 0.3             |                 | <b>50.0</b>                    |                                |
| Athens                  | 0.3             | 2.0             |                 | <b>566.7</b>                   |                                |
| Beaufort County         | 1.2             | 4.4             | 6.5             | <b>266.7</b>                   | <b>47.7</b>                    |
| Bellaire                | 0.5             | 0.3             |                 | -40.0                          |                                |
| Bridgeport              | 0.6             | 4.5             |                 | <b>650.0</b>                   |                                |
| Cherokee County         | 0.8             | 4.2             | <b>9.7</b>      | <b>425.0</b>                   | <b>131.0</b>                   |
| Dorchester County       | 0.7             | 1.4             | 1.6             | <b>100.0</b>                   | <b>14.3</b>                    |
| Escondido               | <b>12.7</b>     | <b>18.8</b>     | <b>21.7</b>     | <b>48.0</b>                    | <b>15.4</b>                    |
| Farmers Branch          | <b>10.4</b>     | <b>19.4</b>     |                 | <b>86.5</b>                    |                                |
| Gilberton               | 0.3             | 0.8             |                 | <b>166.7</b>                   |                                |
| Green Bay               | 1.8             | 5.5             | <b>7.5</b>      | <b>205.6</b>                   | <b>36.4</b>                    |
| Hazelton                | 0.8             | 2.3             |                 | <b>187.5</b>                   |                                |
| Inola                   | 0.6             | 0.1             |                 | -83.3                          |                                |
| Lake Havasu City        | 1.9             | 2.8             |                 | <b>47.4</b>                    |                                |
| Mahanoy City            | 0.0             | 0.5             |                 | <b>500.0</b>                   |                                |

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| Localities            | 1990 Percent | 2000 Percent | 2005 Percent | 1990 to 2000 Percent Change | 2000 to 2005 Percent Change |
|-----------------------|--------------|--------------|--------------|-----------------------------|-----------------------------|
| Mission Viejo         | <b>6.8</b>   | <b>7.1</b>   | 6.7          | 4.4                         | -5.6                        |
| Oologah               | 0.0          | 0.0          |              | 0.0                         |                             |
| Prince William County | 3.4          | <b>6.7</b>   | <b>12.6</b>  | <b>97.1</b>                 | <b>88.1</b>                 |
| Riverside             | 4.7          | 6.4          |              | 36.2                        |                             |
| West Mahoney          | 0.4          | 0.2          |              | -50.0                       |                             |
| Valley Park           | 1.6          | 4.8          |              | <b>200.0</b>                |                             |

\*Note: Localities above the national average are in bold and italicized.

### Unauthorized Aliens by State Observations (Tables 3D and 3E)

We examined the estimates of unauthorized aliens in the 13 states where the localities with enacted ordinances were located. As shown in Table 3D, in 1990, ten of the states had unauthorized alien populations below the national average of 1.4 percent, while three were above the national average. This trend continued in 2000 as nine states had unauthorized alien populations below the national average and four had more than the national average. The year 2005 showed seven states falling below the national average and the other six were above. California and Texas consistently increased in their percentage of estimated unauthorized aliens. The general trend seems to indicate that many localities existed in states with relatively low percentages of unauthorized aliens in 2000, while by 2005 the percentages appeared to be generally increasing.

Table 3D. Percentage of Estimated Unauthorized Aliens (State)

| Localities              | 1990 Percent | 2000 Percent | 2005 Percent |
|-------------------------|--------------|--------------|--------------|
| <b>National Average</b> | <b>1.4</b>   | <b>3.0</b>   | <b>4.0</b>   |
| Alabama                 | 0.1          | 0.5          | 1.1          |
| Arizona                 | <b>2.4</b>   | <b>6.4</b>   | <b>7.7</b>   |
| California              | <b>5.0</b>   | <b>7.4</b>   | <b>8.5</b>   |
| Georgia                 | 0.5          | 2.7          | <b>5.1</b>   |
| Missouri                | 0.2          | 0.4          | 1.2          |
| New Jersey              | 1.2          | <b>4.2</b>   | <b>5.0</b>   |
| Ohio                    | 0.1          | 0.4          | 1.3          |
| Oklahoma                | 0.5          | 1.3          | 2.2          |
| Pennsylvania            | 0.2          | 0.4          | 1.5          |
| South Carolina          | 0.2          | 0.9          | 1.8          |
| Texas                   | <b>2.5</b>   | <b>5.2</b>   | <b>7.2</b>   |
| Virginia                | 0.7          | 1.9          | <b>4.1</b>   |
| Wisconsin               | 0.2          | 0.8          | 2.1          |

\*Note: Localities above the national average are in bold and italicized.

However, this indicator may not tell the entire story. We also reviewed the percentage change in the estimated unauthorized alien population from 1990 to 2000 (141.7 percent) and 2000 to 2005 (35.9 percent). Table 3E presents the percentage change in estimated unauthorized aliens for these time periods. Eleven of the 13 states experienced larger—many considerably larger—percentage changes than the national average both from 1990 to 2000 and 2000 to 2005. When looking at the national average of percentage change over these two time periods, a large number of localities were much higher than the national average of percentage change of estimated unauthorized aliens. This may



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indicate a trend in the increase of estimated unauthorized alien population change at the state level.

Table 3E. Percentage Change in Estimated Unauthorized Aliens (State)

| Localities              | 1990 to 2000 Percent Change | 2000 to 2005 Percent Change |
|-------------------------|-----------------------------|-----------------------------|
| <b>National Average</b> | <b>141.7</b>                | <b>35.9</b>                 |
| Alabama                 | <b>380.0</b>                | <b>108.3</b>                |
| Arizona                 | <b>257.4</b>                | <b>36.4</b>                 |
| California              | 70.1                        | 9.6                         |
| Georgia                 | <b>547.1</b>                | <b>104.5</b>                |
| Missouri                | <b>175.0</b>                | <b>195.5</b>                |
| New Jersey              | <b>268.4</b>                | 21.4                        |
| Ohio                    | <b>233.3</b>                | <b>275.0</b>                |
| Oklahoma                | <b>187.5</b>                | <b>63.0</b>                 |
| Pennsylvania            | 96.0                        | <b>257.1</b>                |
| South Carolina          | <b>414.3</b>                | <b>108.3</b>                |
| Texas                   | <b>148.9</b>                | <b>46.8</b>                 |
| Virginia                | <b>183.3</b>                | <b>120.6</b>                |
| Wisconsin               | <b>310.0</b>                | <b>180.5</b>                |

\*Note: Localities above the national average are bold and italicized.

### Economic Observations

In addition to demographic data, we also examined economic data. Economic data is for the years 1990, 2000, and 2005, by locality where available. The characteristics in this section include the percentage of unemployed persons, the percentage of families below the poverty level, the percentage of individuals below the poverty level, and the percentage of housing units classified as rental, as well as the percentage changes for these characteristics from 1990 to 2000 and 2000 to 2005. As a large proportion of ordinances in this analysis address restrictions and penalties on businesses and landlords, we looked at characteristics such as unemployment, housing characteristics, and poverty characteristics.

### Unemployment Observations (Table 3F)

In general, the unemployment rates for the 21 localities did not deviate considerably from national trends. In 1990, eight localities had unemployment rates above the national average of 4.1 percent, 12 had unemployment rates below the average, and one locality's unemployment rate was equal to the national average. In 2000, six were above the national average of 3.7 percent, 14 were below the national unemployment rate, and one had a similar unemployment rate when compared with the national average. In 2005, three localities had higher unemployment rates than the national average of 4.5 percent and four were below the average.

Looking at the percentage change from 1990 to 2000, there does not appear to be a major trend among the localities. Fifteen of the 21 localities decreased in their unemployed rates. Eleven of these decreased at a faster rate than the national average of -9.8 percent. Notably, nine localities decreased in the

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percentage of unemployed at rate of at least 100 percent more than the national average. In contrast, six localities had increases in their unemployment rates.

The percentage change in unemployment rates from 2000 to 2005, however, showed another story for the larger localities where 2005 data was available. In this case, all seven localities had increases in their unemployment rates; six of which increased at a faster rate than the national average of 21.6 percent. Although only one locality, Mission Viejo, California, increased at a rate slower than the national average, there may still be a trend because the rest of these localities increased at a rate of 50 percent or more than the national average from 2000 to 2005. However, this analysis is limited to larger localities.

Table 3F. Percentages of Unemployment 1990 to 2005

| Localities              | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|-------------------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| <b>National Average</b> | <b>4.1</b>      | <b>3.7</b>      | <b>4.5</b>      | <b>-9.8</b>                    | <b>21.6</b>                    |
| Altoona                 | <b>4.6</b>      | <b>5.4</b>      |                 | <b>17.4</b>                    |                                |
| Athens                  | 3.8             | 2.8             |                 | -26.3                          |                                |
| Beaufort County         | 2.6             | 2.2             | 2.9             | -15.4                          | <b>31.8</b>                    |
| Bellaire                | <b>7.1</b>      | <b>4.3</b>      |                 | -39.4                          |                                |
| Bridgeport              | 2.6             | 2.5             |                 | <b>-3.8</b>                    |                                |
| Cherokee County         | 2.9             | 2.0             | 3.5             | -31.0                          | <b>75.0</b>                    |
| Dorchester County       | 3.2             | 3.1             | <b>4.6</b>      | <b>-3.1</b>                    | <b>48.4</b>                    |
| Escondido               | <b>4.2</b>      | <b>3.9</b>      | <b>6.9</b>      | <b>-7.1</b>                    | <b>76.9</b>                    |
| Farmers Branch          | 3.8             | 2.4             |                 | -36.8                          |                                |
| Gilberton               | <b>6.8</b>      | <b>4.8</b>      |                 | -29.4                          |                                |
| Green Bay               | 3.7             | 3.5             | <b>5.4</b>      | <b>-5.4</b>                    | <b>54.3</b>                    |
| Hazelton                | 3.3             | 3.6             |                 | <b>9.1</b>                     |                                |
| Inola                   | <b>6.0</b>      | 2.8             |                 | -53.3                          |                                |
| Lake Havasu City        | 1.7             | 2.8             |                 | <b>64.7</b>                    |                                |
| Mahanoy City            | <b>4.5</b>      | <b>5.0</b>      |                 | <b>11.1</b>                    |                                |
| Mission Viejo           | 2.2             | 2.5             | 2.8             | <b>13.6</b>                    | 12.0                           |
| Oologah                 | <b>5.2</b>      | 3.7             |                 | -28.8                          |                                |
| Prince William County   | 2.5             | 2.2             | 3.3             | -12.0                          | <b>50.0</b>                    |
| Riverside               | <b>4.5</b>      | 2.7             |                 | -40.0                          |                                |
| West Mahoney            | 3.2             | 2.0             |                 | -37.5                          |                                |
| Valley Park             | 4.1             | <b>4.3</b>      |                 | <b>4.9</b>                     |                                |

\*Note: Localities above the national average are bold and italicized.

### Family Poverty Observations (Table 3G)

In 1990, there did not appear to be a trend among the percentage of families living in poverty for the 21 localities.<sup>8</sup> Eight localities had higher percentages of families in poverty than the national average of 10.0 percent, 12 localities had percentages lower than the national average, and one locality had the exact same percentage. In 2000, seven localities had percentages higher than the national average of 9.2 percent for families living in poverty and 14 localities had

<sup>8</sup> The U.S. Census Bureau defines both individuals and families as "below the poverty level" if "total family income or unrelated individual income was less than the poverty threshold specified for the applicable family size, age of householder, and number of related children under 18 present" (U.S. Census Bureau). ([http://quickfacts.census.gov/qfd/meta/long\\_63537.htm](http://quickfacts.census.gov/qfd/meta/long_63537.htm))

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percentages lower than the national average for families living in poverty. In 2005, data was available for the same seven larger localities, of which only one locality had a higher percentage of families living in poverty than the national average of 10.2 percent. In contrast, four localities had percentages lower than the national average. One locality had a percentage of families living in poverty that was much higher than the national average across 1990 and 2000.

A trend across the localities was not apparent in the percentage change between 1990 and 2000 for families living in poverty. Nine localities decreased in percentage change of families living in poverty, with eight decreasing at a faster rate than the national average decrease of 8.0 percent. In contrast, 11 localities increased in the percentages of families below the poverty level. Two of these localities increased at a rate of more than 100 percent between 1990 and 2000.

The percentage changes from 2000 to 2005 in family poverty levels across the larger seven localities also did not indicate clear trends when compared with the national average of 10.9 percent. Two localities decreased in the percentage of families living in poverty and four localities increased at a faster rate than the national average. One locality had the same percentage of families living in poverty, which was an increase at a slower rate than the national average. In the localities that had an increase in the percentage change, Mission Viejo, California, had a 283.3 percent increase from 2000 to 2005. This is worth noting because the percentage change between 1990 and 2000 was a decrease of 40 percent. Even with such a drastic change in Mission Viejo between the years 1990 to 2000 and 2000 to 2005, the localities as a group showed no trends when looking at the percentage of families below the poverty level.

Table 3G. Percentages of Families Below the Poverty Level 1990 to 2005

| Localities              | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|-------------------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| <b>National Average</b> | <b>10.0</b>     | <b>9.2</b>      | <b>10.2</b>     | <b>-8.0</b>                    | <b>10.9</b>                    |
| Altoona                 | 14.0            | 12.9            |                 | -7.9                           |                                |
| Athens                  | 2.9             | 3.8             |                 | 31.0                           |                                |
| Beaufort County         | 3.1             | 8.0             | 9.9             | 158.1                          | 23.8                           |
| Bellaire                | 23.4            | 21.1            |                 | -9.8                           |                                |
| Bridgeport              | 4.3             | 5.4             |                 | 25.6                           |                                |
| Cherokee County         | 4.4             | 3.5             | 6.0             | -20.5                          | 71.4                           |
| Dorchester County       | 2.5             | 7.1             | 9.2             | 184.0                          | 29.6                           |
| Escondido               | 7.8             | 8.5             | 6.9             | 9.0                            | -18.8                          |
| Farmers Branch          | 1.2             | 4.0             |                 | 233.3                          |                                |
| Gilberton               | 10.7            | 9.5             |                 | -11.2                          |                                |
| Green Bay               | 10.0            | 11.6            | 10.5            | 16.0                           | -9.5                           |
| Hazelton                | 10.1            | 10.4            |                 | 3.0                            |                                |
| Inola                   | 11.2            | 12.6            |                 | 12.5                           |                                |
| Lake Havasu City        | 4.7             | 2.0             |                 | -57.4                          |                                |
| Mahanoy City            | 12.7            | 12.6            |                 | -0.8                           |                                |
| Mission Viejo           | 1.0             | 0.6             | 2.3             | -40.0                          | 283.3                          |
| Oologah                 | 19.1            | 7.5             |                 | -60.7                          |                                |
| Prince William County   | 2.3             | 3.3             | 3.3             | 43.5                           | 0.0                            |
| Riverside               | 4.0             | 6.7             |                 | 67.5                           |                                |

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| Localities   | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|--------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| West Mahoney | <b>12.3</b>     | 3.3             |                 | -73.2                          |                                |
| Valley Park  | 9.9             | 8.7             |                 | -12.1                          |                                |

\*Note: Localities above the national average are bold and italicized.

### Individual Poverty Observations (Table 3H)

There was not an apparent trend among the localities for the percentage of individuals living in poverty for any of the years analyzed. In 1990, all localities were close to the national average of 12.8 percent for individual poverty rates. Eleven localities had poverty levels above the national average of 12.8 percent, while 10 localities had percentages of individuals living in poverty below the national average. In 2000, seven localities had percentages of individuals below the poverty level above the national average of 12.0 percent. Fourteen localities had percentages of individuals living in poverty below the national average. In 2005, data was available for the seven larger localities, of which only one had a percentage of individuals living below the poverty above the national average of 13.3 percent. Six localities had percentages below the national average for individuals living below the poverty level.

Between 1990 and 2000, 13 localities had a percent change in poverty which decreased, of which the percent of individuals in poverty in seven localities decreased at a faster rate than the national average of 6.3 percent. The rate of individuals living in poverty decreased in six localities at a slower rate than the national average. Eight localities had a higher percentage increase in their individuals living in poverty compared with the national average. Therefore, there does not appear to be a trend for this characteristic between the years of 1990 and 2000.

Between 2000 and 2005, there also was no clear trend among the larger seven localities in the percentage change of individuals living in poverty when compared with the national average. Only two localities had decreased in the percentage of individuals living in poverty while the national average showed an increase of 10.8 percent. Five localities had increases in their percentages of individuals living in poverty, but only two localities had increases that were at a higher rate than the national average.

Table 3H. Percentages of Individuals Below the Poverty Level 1990 to 2005

| Localities              | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|-------------------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| <b>National Average</b> | <b>12.8</b>     | <b>12.0</b>     | <b>13.3</b>     | <b>-6.3</b>                    | <b>10.8</b>                    |
| Altoona                 | <b>18.0</b>     | <b>17.7</b>     |                 | <b>-1.7</b>                    |                                |
| Athens                  | <b>13.9</b>     | <b>15.9</b>     |                 | <b>14.4</b>                    |                                |
| Beaufort County         | <b>13.5</b>     | 10.7            | 11.7            | -20.7                          | 9.3                            |
| Bellaire                | <b>28.5</b>     | <b>27.1</b>     |                 | <b>-4.9</b>                    |                                |
| Bridgeport              | 7.0             | 7.5             |                 | <b>7.1</b>                     |                                |
| Cherokee County         | 6.0             | 5.3             | 5.7             | -11.7                          | 7.5                            |
| Dorchester County       | 11.5            | 9.7             | 12.4            | -15.7                          | <b>27.8</b>                    |

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| Localities            | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|-----------------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| Escondido             | 11.2            | <b>13.3</b>     | 9.5             | <b>18.8</b>                    | -28.6                          |
| Farmers Branch        | 6.7             | 6.3             |                 | <b>-6.0</b>                    |                                |
| Gilberton             | <b>17.4</b>     | 10.6            |                 | -39.1                          |                                |
| Green Bay             | <b>13.1</b>     | 10.3            | <b>14.6</b>     | -21.4                          | <b>41.7</b>                    |
| Hazelton              | <b>13.5</b>     | <b>14.2</b>     |                 | <b>5.2</b>                     |                                |
| Inola                 | <b>14.5</b>     | <b>13.9</b>     |                 | <b>-4.1</b>                    |                                |
| Lake Havasu City      | 8.0             | 9.4             |                 | <b>17.5</b>                    |                                |
| Mahanoy City          | <b>17.7</b>     | <b>17.4</b>     |                 | <b>-1.7</b>                    |                                |
| Mission Viejo         | 2.0             | 3.7             | 3.4             | <b>85.0</b>                    | -8.1                           |
| Oologah               | <b>15.9</b>     | 9.8             |                 | -38.4                          |                                |
| Prince William County | 3.2             | 4.3             | 4.6             | <b>34.4</b>                    | 7.0                            |
| Riverside             | 5.0             | 8.2             |                 | <b>64.0</b>                    |                                |
| West Mahoney          | <b>15.8</b>     | 5.2             |                 | -67.1                          |                                |
| Valley Park           | 11.0            | 10.7            |                 | <b>-2.7</b>                    |                                |

\*Note: Localities above the national average are bold and italicized.

### Individual & Family Poverty Rate Comparison

There is no trend these characteristics among localities in this analysis. While one would assume that family poverty rates and individual poverty rates would track similarly, the data indicates they generally did not.

### Rental Unit Observations (Table 3I)

The percentage of housing units classified as rental units also showed no apparent trend when compared to the national average or across time. Both 1990 and 2000 showed that seven localities had percentages above the national average of 35.8 percent and 33.8 percent respectively and 14 localities had percentages below for the percentage of rental housing units. In 2005, of the seven localities with data, two had percentages of rental housing units above the national average of 33.1 percent and five fell below.

The percentage change from 1990 to 2000 of housing classified as rental units also did not show a trend among the localities. Nine localities showed a decrease in the percentage of rental units; the national average also had a 5.6 percent decrease. Four localities showed a decrease in the percentage of rental units lower than the national average, whereas five localities showed a decrease above the national average. Outliers included Valley Park, Missouri, which had a decrease in the percentage of housing units of 35.1 percent and Beaufort County, South Carolina, which decreased by 23.4 percent. Eleven localities had percentage change increases of rental housing units of 20 percent or less. Because the numbers showed both increases and decreases in percentage change in housing units classified as rental properties, there seemed no general trend within the locations from 1990 to 2000.

The percentage change of rental units from 2000 to 2005, for the seven localities with data, again showed no apparent trend. The national average was a 2.1 percent decrease in rental housing units. Three localities showed decreases in percentage change, one of which showed an increase during the previous time

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period. These decreases were all very high when compared with the national average. However, four of the localities showed increases in the percentage change of rental housing units from 2000 to 2005. Because the localities again showed both increases and decreases in the percentage change of housing units classified as rental properties, there seemed to be no general trend from 2000 to 2005.

Table 31. Percentages of Housing Units Classified as Rental 1990 to 2005

| Localities              | 1990<br>Percent | 2000<br>Percent | 2005<br>Percent | 1990 to 2000<br>Percent Change | 2000 to 2005<br>Percent Change |
|-------------------------|-----------------|-----------------|-----------------|--------------------------------|--------------------------------|
| <b>National Average</b> | <b>35.8</b>     | <b>33.8</b>     | <b>33.1</b>     | <b>-5.6</b>                    | <b>-2.1</b>                    |
| Altoona                 | 30.9            | <b>34.1</b>     |                 | <b>10.4</b>                    |                                |
| Athens                  | <b>36.9</b>     | <b>36.9</b>     |                 | <b>0.0</b>                     |                                |
| Beaufort County         | 35.0            | 26.8            | 30.1            | -23.4                          | <b>12.3</b>                    |
| Bellaire                | <b>45.2</b>     | <b>44.6</b>     |                 | <b>-1.3</b>                    |                                |
| Bridgeport              | <b>42.0</b>     | <b>50.1</b>     |                 | <b>19.3</b>                    |                                |
| Cherokee County         | 17.5            | 16.1            | 19.3            | -8.0                           | <b>19.9</b>                    |
| Dorchester County       | 28.9            | 25.0            | 26.5            | -13.5                          | <b>6.0</b>                     |
| Escondido               | <b>48.1</b>     | <b>46.8</b>     | <b>37.8</b>     | <b>-2.7</b>                    | -19.2                          |
| Farmers Branch          | 30.0            | 32.0            |                 | <b>6.7</b>                     |                                |
| Gilberton               | 13.4            | 14.5            |                 | <b>8.2</b>                     |                                |
| Green Bay               | <b>43.4</b>     | <b>44.0</b>     | <b>44.5</b>     | <b>1.4</b>                     | <b>1.1</b>                     |
| Hazelton                | <b>39.7</b>     | <b>41.0</b>     |                 | <b>3.3</b>                     |                                |
| Inola                   | 28.5            | 30.0            |                 | <b>5.3</b>                     |                                |
| Lake Havasu City        | 25.8            | 23.6            |                 | -8.5                           |                                |
| Mahanoy City            | 23.3            | 22.8            |                 | <b>-2.1</b>                    |                                |
| Mission Viejo           | 20.0            | 22.8            | 18.6            | <b>14.0</b>                    | -18.4                          |
| Oologah                 | 30.0            | <b>34.8</b>     |                 | <b>16.0</b>                    |                                |
| Prince William County   | 29.0            | 28.3            | 23.4            | <b>-2.4</b>                    | -17.3                          |
| Riverside               | 30.8            | 32.3            |                 | <b>4.9</b>                     |                                |
| West Mahoney            | 7.2             | 7.4             |                 | <b>2.8</b>                     |                                |
| Valley Park             | <b>51.0</b>     | 33.1            |                 | -35.1                          |                                |

\*Note: Localities above the national average are bold and italicized.

### **Case Studies**

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This section discusses the four case studies conducted for this study. The case study localities include Farmers Branch, Texas; Hazleton, Pennsylvania; Prince William County, Virginia; and Valley Park, Missouri. The first section introduces the purpose of the case studies. The second section describes the case study methodology. This includes the criteria for choosing case study localities and recommendations for locality case studies and interview questions. The next four sections describe findings from case study localities regarding ordinance impetus, development, implementation, and future expectations. The final section describes the findings that were observed across all four case studies.

#### **Introduction**

Case studies were critical to this analysis as discussed earlier as the available Census data on localities was at least two years old and in some cases eight years old. This data preceded the enactment of the ordinances. Case studies provided an opportunity to better understand the rationale behind the ordinances, selection of provisions, arguments for and against the provisions, and the current status. By conducting case study interviews, the analysis could better reflect different perspectives and general community events and outcomes.

#### **Case Study Methodology**

The criteria used to select case study localities for field research involved several main factors:

- Ordinance Innovation—localities that passed unique and trendsetting ordinances. If the locality passed an ordinance that was the first of its kind at the time of passage, these localities were considered innovative.
- Ordinance Comprehensiveness—localities with single ordinances that included provisions in housing, law enforcement, and business regulations. These localities were considered as taking a more comprehensive approach to unauthorized alien policies.
- Revisions—localities that pursued ordinance revisions, possibly indicating an ongoing debate regarding ordinance content. Localities with revised ordinances suggest a perceptible controversy that would provide an interesting story behind the ordinance.
- Legal Actions—localities in which legal actions were threatened or taken against the locality.

Appendix V compares all 21 localities against these criteria.

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### **Case Study—Farmers Branch, Texas**

Farmers Branch was selected as one of four case study localities for this project, due to the politicized atmosphere and media attention on the city since ordinances #2903 and #2952 were proposed in 2006. From their inception, the ordinances generated intense debate and sparked political discussions on both sides of the issue. Team members visited Farmers Branch on February 12, 2008, to conduct interviews with individuals involved in the ordinance's proposal, the conflict surrounding the ordinance, the effects of the ordinance, and the media coverage of the ordinance.

Ordinance #2903 was created to ban all illegal immigrants from renting apartments in the locality. This ordinance mandated that housing units obtain documentation of legal status before allowing individuals to rent a unit within the city limits. In January 2008, the city passed Ordinance #2952, which shall go into effect shortly after the U.S. District Court for the Northern District of Virginia issues a final judgment in litigation concerning Ordinance #2903. Ordinance #2952 requires renters to verify citizenship or immigration status, as well as obtain a residential occupancy license prior to occupying any leased or rented single-family residence. Violations were found to be punishable by law.

Interviews were conducted with the following:

- Tim O'Hare: ordinance developer and mayor pro-tem, supported ordinance;
- Stephanie Sandoval: reporter for the *Dallas Morning News*, neither supported nor opposed ordinance;
- Domingo Garcia: community organizer, and civil rights activist, opposed ordinance;
- Tom Bryson: Director of Communications for the city of Farmers Branch, neither supported nor opposed ordinance; and
- Gerry Heningsman: Apartment Association of Greater Dallas, opposed ordinance.

### Impetus for Ordinance

When asked to identify the major impetus for the ordinances, the most common explanations included demographic changes in Farmers Branch, political motivations and ambitions, and the influence of other localities proposing ordinances to curb illegal immigration.

First, both proponents and opponents of the ordinances cited rapid demographic changes witnessed in both schools and the housing market as prominent reasons for the proposal of the ordinance, despite the lack of statistical evidence that points to these claims. Individuals on both sides of the issue, including ordinance supporter and developer Tim O'Hare and ordinance opponent Domingo Garcia, stated that the Farmers Branch school district was approximately 65 percent Hispanic. For some, this was viewed as costly to the schools, as English as a Second Language courses were in place and occupied resources that some argued could be used elsewhere in the school system.



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According to Mr. O'Hare, school districts were facing increased costs due to illegal immigrants entering the school districts and exploiting resources.

Opponent of the ordinance and staff member of the Apartment Association of Greater Dallas, Gerry Heningsman, claimed that these demographic changes were also apparent in the housing market. He believed that Hispanic immigrants moved to Farmers Branch for cheaper housing prices than surrounding areas. According to Mr. Heningsman, older multi-family properties in Farmers Branch are 90 percent Hispanic, though not necessarily all of these persons are illegal immigrants. The majority of Farmers Branch housing dated back to the 1950s and 1960s; unlike much of the surrounding suburbs of Dallas, that were building new residential properties.

Also, several individuals—both opponents of the ordinance and neutral spectators—claimed that the ordinances were proposed as a political maneuver by then-councilman Mr. O'Hare to generate public support for his campaign. According to some, Mr. O'Hare had political ambitions that included becoming mayor and then seeking a congressional seat. The proposal from the ordinance came as a surprise to some members of the community, and opponents believed the ordinance unduly targeting the Hispanic community and its growing prominence in Farmers Branch.

Mr. O'Hare claimed that some businesses catered only to Hispanics and that illegal immigrants were responsible for the murder of a two-year-old Hispanic child in 2006.<sup>9</sup> In addition, Mr. O'Hare claimed that unauthorized aliens placed “astronomical costs” on the law enforcement system in Farmers Branch, as they allegedly constituted 15 to 20 percent of arrests in the city. Mr. Garcia claimed that Mr. O'Hare had established a real estate contract with some of his supporters targeting apartment owners. Mr. Garcia stated that this contract would place the responsibility of documentation verification on the apartment owners, rather than on law enforcement. Mr. Heningsman and Ms. Sandoval concluded that Mr. O'Hare's proposal had the intentions of mobilizing people through the method of fear, and that unauthorized aliens did not pose the threat Mr. O'Hare claimed.

Last, and perhaps most importantly, Mr. O'Hare and Ms. Sandoval both pointed to other localities passing anti-immigration ordinances, specifically Hazleton and Escondido, as inspiration for pursuing similar legislation.

### Development of the Proposal

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<sup>9</sup> Information on this event may be found courtesy of the Dallas Morning News at <http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/052706dnmetfbshoot.23b89c31.html>. Information regarding the legal status of the shooter is unavailable through the article.

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Tim O'Hare and city council member Sam Robinson asked for an anti-immigration ordinance inspired by the Hazleton, Pennsylvania's ordinance to be placed on the city council agenda for August 21, 2006. There were protests the very next day at City Hall. According to Mr. O'Hare, City Councilman David Coke was instrumental in the legal research of the ordinance and consulted Hazleton mayor Lou Barletta about the ordinance. The city also contacted law professor Kris Kobach from the University of Missouri—Kansas City School of Law, who was a key player in the drafting of ordinances for Valley Park, Missouri, and Hazleton, Pennsylvania. The city's law firm, Boyle & Lowry, was responsible for the final proposal of the ordinance.

The process for passing the ordinance took approximately one month to discuss and the city council had one public hearing on the item. The ordinance was not released to the public until the day before the public hearings were held, which attracted more media attention at Farmers Branch. Ms. Sandoval and Mr. Garcia claimed that the community was not included in the discussion on the ordinance in an attempt by the city council to unfairly targeting Hispanics. Ms. Sandoval stated that there was no research done to investigate the negative impacts that the ordinances could have on unauthorized immigrants or on the community. Mr. Garcia claimed that the city prevented many Hispanics from entering the city council meeting on the night that voting on the ordinance took place by placing a policeman at the entrance of the building. A multi-racial task force, called Farmers Branch United, was created in opposition to the ordinance and was active at the time of the case study visit in voter registration drives, education, and recruiting candidates to run against the current city council members.

During this time, two consecutive ordinances were approved in November and December of 2006 with the clause that the city would vote on the final ordinance in May 2007, at the same time as the city council elections. The ordinance passed by a margin of 2 to 1 with approximately 70 percent, in Mr. O'Hare's estimate, of the residents supporting the ordinance, while also generating higher voter turnout than usual.

### Implementation

Legal challenges were immediately brought against the ordinances by a number of entities, including the Mexican American Legal Defense Fund (MALDEF), acting in conjunction with the American Civil Liberties Union (ACLU). In addition, Bickle & Brewer—a Dallas based law firm—created a subsidiary called “B&B Storefront” that took on constitutional challenges pro bono on behalf of the citizens against the city. Bickle & Brewer claim that the apartment owners and managers were unduly targeted with this legislation. Ms. Sandoval stated that research showed businesses do not seem to be closing, nor do people appear to be leaving the city. However, since the boundaries of Farmers Branch are geographically fluid, Ms. Sandoval acknowledged the difficulty of tracking the number of individuals that visit the city and that stay permanently or who live outside city limits and travel in for work.

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Ordinance 2903 has been the subject of ongoing litigation in the U.S. District Court for the Northern District of Texas. U.S. District Court Judge Sam Lindsay has issued a preliminary injunction barring enforcement of Ordinance 2903 pending trial on the merits of the case. In issuing the injunction, Judge Lindsay made a preliminary finding that the ordinance was preempted by federal immigration law and was also unenforceable on vagueness grounds. Mr. O'Hare stood by the ordinance, however, by claiming that the federal government statute that forbids the harboring of unauthorized aliens also supports Farmers Branch's efforts to curb illegal immigration in the city. Litigation in the case remains ongoing.

According to Mr. Heningsman, little has been done in terms of law enforcement since the passage of the ordinance, other than police officers patrolling Hispanic apartment complexes at an increased rate. As mentioned previously, Ordinance #2952 shall go into effect shortly after a final judgment is reached by the district court in the case concerning Ordinance #2903.

### Future Expectations

Although neither Ordinance #2903 nor Ordinance #2952 are currently being enforced, some claim there have been unexpected results in Farmers Branch. First, according to Tom Bryson, the Director of Communications for the City of Farmers Branch, and Ms. Sandoval, the locality has developed a reputation as an anti-immigrant locality. Ms. Sandoval and Mr. Garcia argued this was exactly the result Farmers Branch was seeking, regardless of the lack of enforcement on apartment owners.

Second, Mr. Garcia pointed to Farmers Branch United as a sign that Farmers Branch faced a disenfranchised Hispanic population that was not leaving the city. This segment of the city's population, according to him, wanted a say in the political system, as well as a stake in the well-being of the community. Mr. Garcia mobilized a large contingent of Hispanics in the area and plans to run a slate of Hispanic candidates against the current city council in upcoming elections.

Both opponents and proponents of the ordinances stated that the future of this issue is uncertain, especially since courts recently ruled in favor of Valley Park, Missouri's ordinance. This may revive interest in enforcing Farmers Branch ordinance.

### **Case Study—Hazleton, Pennsylvania**

Hazleton, Pennsylvania's ordinance #2006-18 was originally a modified copy of San Bernardino, California's ordinance. Hazleton's ordinance targeted and penalized both businesses that employed unauthorized aliens and landlords that rented to unauthorized aliens; it also contained a provision recognizing English as the official town language. On July 26, 2007, the U.S. District Court for the Middle District of Pennsylvania struck down the housing and employment

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provisions of the ordinance, finding that they were preempted by federal immigration law and violated the due process requirements of the Fourteenth Amendment of the U.S. Constitution. Hazleton has appealed this ruling to the U.S. Court of Appeals for the Third Circuit.

Hazleton was selected as a case study primarily because of the politicized atmosphere and media attention that has developed around the locality since ordinance #2006-18, otherwise known as the Illegal Immigration Relief Act, was proposed and passed in 2006. Hazleton also was the first locality to pass an anti-unauthorized alien ordinance. The ordinance generated intense debate and sparked political discussions on both sides of the issue from its inception. Team members visited Hazleton on February 28, 2008, to conduct five interviews with individuals involved in the ordinance's proposal, the conflict surrounding the ordinance, the effects of the ordinance, and the media coverage of the ordinance.

Interviews were conducted with the following individuals in Hazleton:

- Lou Barletta: Mayor and ordinance creator, supports the ordinance;
- Joe Yanuzzi: Hazleton City Council President, supports the ordinance;
- Dr. Agapito Lopez: community member and organizer, opposes the ordinance;
- L.A. Tarone, Kent Jackson, Tony Greco: Editors and writers for the local newspaper, the *Standard Speaker* (statements from these interviewees are cited as "Mr. Tarone"), neither support nor oppose the ordinance; and
- Vic Walczak: Lawyer for the ACLU who represented the plaintiffs in the case against ordinance 2006-18, opposes the ordinance.

### Impetus for Ordinance

When asked what the major impetus for the ordinances, the most common explanations included demographic changes in Hazleton, political motivations and ambitions, increasing crime associated with unauthorized aliens, and a lack of action by the federal government.

Mayor Barletta and Mr. Yanuzzi both noted that, in the years preceding the ordinance adoption, the Hispanic population had grown at an exponential rate. This was due in part to the opening of a meat packing plant just outside of town. While they were pleased that the town was growing and being revitalized by the new legal immigrants, they were also concerned that unauthorized aliens might be moving in as well. Both believed these unauthorized aliens would put a strain on existing social services; for example, they stated that the schools in the area seemed to be experiencing overcrowding due to the growing Hispanic population, some of whom they believed were unauthorized aliens.

To corroborate the mayor's account, both Mr. Tarone and Dr. Lopez stated that the Hispanic population had burgeoned from 1992 ("four Hispanic families") to 2006, where entire communities were labeled "Hispanic." Mr. Tarone believed

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that the legal immigrants added to the town and helped revitalize it; however, he also stated that, with the legal immigrants, unauthorized aliens also came to Hazleton. He stated this might have put a strain on some of the social services but was not of primary concern. He stated that Hazleton had seen large populations of unauthorized aliens since the late 1980's from Eastern Europe and these had not created overly large problems for the town's social services.

Mayor Barletta also said these demographic changes were apparent in businesses, as well as in the housing market. Mr. Yanuzzi said that Hispanic immigrants had moved from New York and New Jersey to Hazleton for cheaper housing prices and employment at the meat packing plant; some were undoubtedly unauthorized. The mayor explained that these unauthorized aliens tended to live in overcrowded "boarding houses," converted apartments rented room by room. In summary, they indicated that the decline of housing conditions and the influx of Hispanics, most notably unauthorized aliens, attracted by employment opportunities generally led to the proposed ordinance.

Mayor Barletta and Mr. Yanuzzi also claimed that rising crime rates were a primary factor behind the legislation. They discussed several anecdotal, large-profile instances of crimes being committed by unauthorized aliens. Most notably, both the mayor and Mr. Yanuzzi described the murder of Derek Kichline by an unauthorized alien. Mayor Barletta claimed unauthorized aliens were responsible for the murder of several Hazleton citizens in 2004-2006, as well as increased gang and drug activity.<sup>10</sup> Both the mayor and Mr. Yanuzzi described how gang, graffiti, and drug activity was increasing in Hazleton, including the formation of six gangs traditionally existing in large cities. These gangs include MS-13, which, according to the mayor, had a large unauthorized alien component in Hazleton. Because of these crimes, more of the budget was spent on police enforcement. In fact, the mayor stated that a large percentage of the police overtime budget was spent solving crimes committed by unauthorized aliens.

Mayor Barletta further stated that a lack of federal cooperation and action had caused the city of Hazleton to take independent action. After visiting with the federal government and requesting assistance and action, he observed that federal action was not taken. At that point, the mayor believed that to protect his town and his citizens, he needed to take independent action and introduce this ordinance. Although he observed that Hazleton still had a good working relationship with federal immigration enforcement officials, he described the federal enforcement system as broken. Until the federal government decided to take action, Mayor Barletta believed that localities have every right to enact ordinances to prevent unauthorized aliens.

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<sup>10</sup>The extent to which unauthorized aliens commit crimes within Hazleton was unknown at the time of the case study. For more discussion on the matter, please refer to a Republican Herald news article at [http://www.republicanherald.com/site/news.cfm?newsid=18106481&BRD=2626&PAG=461&dept\\_id=532624&rfi=6](http://www.republicanherald.com/site/news.cfm?newsid=18106481&BRD=2626&PAG=461&dept_id=532624&rfi=6)

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According to Dr. Lopez and Mr. Walczak, political motivation also may have played a part in the creation of this ordinance. Both stated that the mayor was seeking a seat in the House of Representatives and suggested that proposing the ordinance was intended for political gain. Mr. Walczak concluded that the mayor's proposal was a form of "demagoguery" and had the intention of mobilizing people through fear. Additionally, Mr. Walczak stated that the mayor's arguments in favor of the ordinance were based upon anecdotal claims regarding unauthorized aliens and were not supported by facts. Dr. Lopez and Mr. Tarone stated that unauthorized aliens did not pose the threat or problems to the extent claimed by city officials. Both Dr. Lopez and Mr. Walczak disagreed with the mayor and Mr. Yanuzzi's reasoning that the ordinance was necessary due to increased crime from unauthorized aliens. Mr. Walczak stated that the city had no empirical data to support their claims of increased crime. Instead, the city relied on several high profile anecdotal cases to make its point. Dr. Lopez stated the unauthorized alien aspect of the claims was highly inflated.

### Development of the Proposal

Mayor Barletta stated that he searched for an answer to the unauthorized alien problem and found San Bernardino, California's defeated ordinance. He said that he modified it to fit Hazleton's needs and brought it to the city council's attention. Both the mayor and Mr. Yanuzzi stated that in July 2006, three readings took place and the ordinance was passed within the month by the city council. During this time there were protests, but according to Mr. Yanuzzi, most of the people in attendance were from out of town.<sup>11</sup> Mayor Barletta and Mr. Yanuzzi stated that there was widespread support for the ordinance, even among the Hispanic population.

According to the mayor, once the ordinance was passed, it was immediately taken to court. At this time, law professor Kris Kobach from the University of Missouri—Kansas City School of Law, contacted Mayor Barletta. According to both Mr. Yanuzzi and the mayor, Mr. Kobach helped the city council redraft the ordinance to make it "more constitutional." The modified ordinance was struck down as unconstitutional by a federal district court. At the time of the case study, Hazleton had appealed the district court's ruling to the Third Circuit Court of Appeals. Both sides reported they believe the appellate court will rule in their favor, and that they will attempt to appeal the ruling to the Supreme Court if necessary.

Mr. Tarone agreed with the mayor by also stating that there was widespread support for the ordinance, including the Hispanic community. He cited the November 2007 election results, where the mayor won by a 90 percent majority, as proof that the citizens supported the legislation. He also cited a study that showed that, nationally, 62 percent to 93 percent of the population supported Hazleton's ordinance. Mr. Tarone further explained that local organizations that

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<sup>11</sup> However, there was some local participation; Dr. Lopez himself organized one protest.

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would have traditionally opposed the ordinance, such as the United Way and Chamber of Commerce, stayed completely out of the development process. He stated that there were small Hispanic organizations that tried to organize in opposition, but were too small and unorganized to impact the development process.

Mr. Lopez, on the other hand, believed that support for the ordinance was not as widespread as the city officials believed. He stated that he organized one of three major protests to the ordinance. He and Mr. Walczak also stated that the Hispanic population did not support the ordinance but was too scared to do anything about it. Mr. Walczak also declared that the local Hispanic residents did not have the power to protest the development of the proposal; therefore they felt that regional and national organizations were needed to oppose the development and passage of Hazleton's ordinance.

### Implementation and Effects

Mayor Barletta and Mr. Yanuzzi stated that City Hall passed the ordinance with the intention of having unauthorized aliens move from Hazleton, hoping that crime would drop, health care would improve, and the overall quality of life in the community would improve. Mayor Barletta and Mr. Yanuzzi stated that immigrants were moving out. They both mentioned that unauthorized aliens were moving out in the middle of the night. The mayor also stated that another effect of the ordinance has been that Hazleton was now looked to as an example for other communities in the United States and other localities were contacting the city for advice.

According to Dr. Lopez, some immigrants did leave town, but this was not because they were unauthorized. He said that legal immigrants left simply because they did not care for the new town atmosphere. He also made the comment that people had been getting along until the ordinance was passed; it was only then that racial tension and attitudes surfaced.

In looking at crime, education, and health services, Mr. Walczak stated that the ACLU could not find a significant increase of undocumented aliens involved in crime or in using health and education services, which were the impetus for the ordinance in the first place. He also stated that the ordinance has had little effect on the unauthorized alien population moving out. The Hispanic population of Hazleton has increased over the past decade, but Mr. Walczak noted that there are no statistics relating to unauthorized aliens or any of the mayor's claims of crime and decreased quality of life of Hazleton's citizens, either before or after the ordinance.

According to Mr. Tarone, Hazleton's officials and media thought the English Only section would generate the most controversy; however, this has not been the case. The other sections of the anti-immigration ordinance remained controversial, but the opposition did not oppose the English only sections. Mr.

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Tarone stated that, as of March 2008, the English Only aspect of the ordinance was the only section to be successfully implemented. He also noted that this has had little effect; only one document in Spanish was moved from an accessible location to “a desk drawer” where, presumably, it could still be accessed. Mr. Tarone stated that, although Hazleton remained in the national spotlight, especially with Mayor Barletta running for Congress, the town had basically forgotten the ordinance. In fact, Mr. Tarone says the community had made efforts to improve interracial attitudes. He stated that, despite the divisions caused by the ordinance, “Hazleton is a small piece of what the America has always been.”

### Future Expectations

Mr. Yanuzzi and Mayor Barletta suggested that the ordinance would be declared legal by the Third Circuit because similar ordinances are in force around the country, including Valley Park, Missouri. Mr. Yanuzzi supported this claim by adding that, if it doesn't pass, “we'll definitely keep going.” He believes that the Supreme Court will likely accept an appeal of the Third Circuit's ruling and issue a ruling that will definitively pronounce upon the constitutionality of the Hazleton ordinance and similar measures enacted by other localities. Mayor Barletta also stated that he hoped to bring the unauthorized alien problems back to the forefront of the nation if elected to Congress because he believed he was speaking for people everywhere. However, Mr. Tarone stated that Mayor Barletta confirmed to media personnel that if the ordinance passed the appeals court, it would not be enforced.

On the other hand, Dr. Lopez stated the ordinance threat had not kept Latinos from the area and that Latino businesses were flourishing. Mr. Walczak said the problem in Hazleton could lead to other issues around the country with immigrant friendly and immigrant hostile regions. Ordinances will not change this as people will just leave and find jobs elsewhere. Mr. Walczak concluded that, unless a constitutionally-permissible federal law was passed, these problems would continue at the local level.

### **Case Study—Prince William County, Virginia**

Prince William County's Resolution 07-609 directed the county to use both local and federal resources to curb illegal immigration. The resolution called for law enforcement to obtain citizenship or immigration status of detained persons if there was probable cause, which in turn allowed the officers to verify and cooperate with federal immigration authorities. This section also included cooperation in exchanging information with federal authorities by the local Police Department. Resolution 07-609 also included the use of public benefits and services to local residents, both those that were legally and illegally in the county. Some Prince William County officials were adamant about wanting the federal government's help outside of 287(g) and did not want to create an individual locality ordinance, as many localities have decided to implement their own ordinances because they believe the federal government was not enforcing immigration laws. The dialogue surrounding the resolution was passionate and



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generated tremendous action from county citizens and interest groups, alike. These actions by members of the community and the city leadership, as well as the national and local media attention provided opportunities to hear the community's reaction and the stories, which played a part in the policy process.

According to reports, the most passionate display of this activism was shown during the 12 hours of open testimony that the board heard prior to the vote that eventually approved the resolution. Each of the interviews conducted mentioned this event and each also mentioned that the community felt unheard, as the board heard 12 hours of impassioned testimony while only taking 30 minutes to pass the ordinance with a vote of 8-0.

On February 28, 2008, team members traveled to Prince William County to conduct interviews with individuals involved in the ordinance's proposal, the implementation of policy, and the effects of the ordinance on the community. Interviews were conducted with the following individuals familiar to the resolution's formation and implementation process:

- Major Barry Bernard: Assistant Chief of Operations of the Prince William County Police Department, neither supports nor opposes the ordinance;
- Kristin Mack: Reporter for the *Washington Post*, neither supports nor opposes the ordinance;
- Craig Gerhart: County Executive for Prince William County, opposes the ordinance; and
- Caesar Perales: Executive Director of the Puerto Rican Legal Defense Fund; filing suit against Prince William County, opposes the ordinance.

### Impetus for Ordinance

When asked what the major impetus for the proposal was, many different explanations were provided. The most common theme among the interviews included the perception of demographic and crime changes. The demographic changes that Prince William County did incur were often attributed, by most of the individuals interviewed such as Mr. Gerhart and Major Bernard, to the "housing boom" and the influx of workers to the housing industry within the years leading up to the board's action. Other themes included a lack of action from the federal government regarding immigration policy reform as well as the political motivations of local politicians.

*Washington Post* reporter Kristin Mack stated that the arrest of an illegal immigrant for loitering in Woodbridge, a city in Prince William County, in 2006 seemed to be one of the first incidents to inspire passionate polarization.<sup>12</sup> Ms. Mack and Prince William County Executive Craig Gerhart also noted the housing and loitering issues also contributed to the negative perceptions about the increase in Hispanic persons.

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<sup>12</sup> <http://www.washingtonpost.com/wp-dyn/articles/A61127-2004Nov18.html> - Examples of this behavior are shown in this article.

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Mr. Gerhart observed that the “housing boom” in Prince William County was the impetus for an increase of 5,500 to 6,000 housing units built from the years 2000 to 2005 and many Hispanic workers came to find jobs. During this time, Mr. Gerhart noted, the county began to see overcrowding of houses. Mr. Gerhart explained that not only were these overpopulated residential units a fire hazard, but that property maintenance standards were “different among cultures”. Mr. Gerhart also stated that these issues, along with the unofficial designation of certain convenience stores as “day labor centers,” were not enough to force action from the board. Once the federal government declared that immigration reform would be addressed, the national media erupted, and groups such as “Help Save Manassas”<sup>13</sup> advocating for stringent measures to curb illegal immigration, were established in Prince William County.

Mr. Gerhart and Ms. Mack believed that Help Save Manassas was influenced directly by other “right-wing think tanks.” Ms. Mack specifically pointed to the think tank, Federation for American Immigration Reform (FAIR),<sup>14</sup> as being consulted by Help Save Manassas, and members of the Prince William County board came to agree with their position. With these board members believing that the input of these activist citizens was indicative of the political mood, the ordinance was proposed, and slated for a vote at the next meeting.

Prince William County Police Department Assistant Chief of Operations, Major Barry Bernard, mentioned that the timeframe of the board’s action coincided with many of the political elections for state and local offices. He noted that there was a well-understood political drive behind the rapid actions of the board. Major Bernard mentioned that the actual influence on the board of active citizens speaking through their elected representatives was small.

The Executive Director of the Puerto Rican Legal Defense Fund—the law firm filing suit against the county and opponent of the ordinance—Cesar Perales also pointed to political maneuvering as a major impetus for the proposal. He claimed that some officials eyed a higher elected office and seized upon an opportunity to “solve a problem that the federal government was not addressing.” He also stated that there were studies to support the idea that unauthorized aliens do not dramatically affect the crime rate. Furthermore, Mr. Perales noted that the “perceived” overcrowding of neighborhoods, schools, and hospitals were often prevalent in the low-income areas, where immigrants tended to settle.

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<sup>13</sup> Help Save Manassas is an advocacy group whose mission statement reads: “We seek to reduce the number of illegal aliens unlawfully residing within our communities through legislative action and citizen engagement with their elected officials.” (<http://www.helpsavemanassas.org>)

<sup>14</sup> The Federation for American Immigration Reform is an advocacy groups whose mission statement reads: “The Federation for American Immigration Reform (FAIR) is a national, nonprofit, public-interest, membership organization of concerned citizens who share a common belief that our nation's immigration policies must be reformed to serve the national interest.” ([http://www.fairus.org/site/PageServer?pagename=about\\_aboutlist1ce5](http://www.fairus.org/site/PageServer?pagename=about_aboutlist1ce5))

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### Development of the Proposal

Major Bernard stated that during the development and research stage, the police department made a number of recommendations to the board. Police Chief Charlie Dean advised the board against their proposed actions and suggested the implementation of the 287(g) program in the adult detention center—an independently run entity with a salaried superintendent and staff—as well as the jail. With the 287(g) program, the police department would be able to meet the outcry from the community to address the illegal immigration issue, but at the same time, would not place a large a burden on the county.

Despite the police department's opposition to the ordinance, the board passed the resolution requiring officers to check the status if they had "probable cause" to suspect someone was an unauthorized alien. Furthermore, the board gave the county police 60 days to design a policy to enforce the board's resolution and 90 days for the county to create a policy to deny health benefits to those in the United States illegally. Major Bernard stated that for a board to mandate a police department to write policy was an unprecedented event.

Mr. Gerhart noted a few important points regarding the board's efforts of developing this resolution. The county staff researched and put together statistics on county services, and noted which ones were already being restricted from illegal persons. The staff then gave a list of five to six community services that they believed the board *should* restrict, in order to gain leeway for requesting that the board not restrict some services the staff would deem vital to the community.

As addressed earlier, Ms. Mack noted that some of the board members did consult with Federation for American Immigration Reform, and some other groups when developing the wording of the resolution. Specifically, activist Greg Letiecq founded "Help Save Manassas." Mr. Letiecq, Ms. Mack noted, consulted with the key board members numerous times during the development process.

### Implementation and Effects

Both Major Barnard and Mr. Perales noted that Police Chief Dean voiced his opposition to the board's actions of passing this resolution. However, as Ms. Mack noted, the city employees followed through with it, because it is what the board instructed them to do and "what the people wanted."

At the time this case study was conducted, the policies that the board required the city staff and police department to design and implement were not yet in effect.<sup>15</sup> Both Major Bernard and Mr. Gerhart indicated that after a few months of implementing the policies, the county would receive some feedback that would indicate any major problems, concerns, and successes.

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<sup>15</sup> This case study was conducted on February 28, 2008. The policies enacted by the board went into effect on March 3, 2008.

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Ms. Mack noted that the county did a good job of gaining input from citizens, concerns from staffers and police officers, as well as taking input from outside sources on the implementation of the policies.

Mr. Gerhart noted that when the board was briefed on the implementation of the policies to restrict some county services, the board was apprehensive. He indicated that they wanted to remove even more services from the list of programs to be restricted; however, they felt “trapped” by their promise to be tough on illegal aliens.

Major Bernard explained the projected implementation process of the ordinance and how the policy would be evaluated. He noted that the determination of “probable cause” would be left up to the officers. Accordingly, as noted before, the Prince William County Police Department has been very detailed in their training. They made clear the detailed procedures the officers must follow and how the department will constantly communicate with both the Immigration and Customs Enforcement agency and the jails in Prince William County.

Major Bernard also noted that the process of responding to the board’s ordinance took place in three stages. The first step was to develop policy. The police department designed and implemented a detailed training program concerning the immigration laws, including classes on racial discrimination for 500 police officers. Major Bernard noted three points stressed to the officers in their training. First, they were to focus on criminal aliens. Second, they were to protect witnesses and victims (officers were not going to check their immigration status and this was communicated to the board). Third and perhaps most importantly, was that the training was to avoid racial profiling at all costs.

The second step for the police department was to ensure that there was adequate public participation. Communication with the public included speaking to many citizen groups, Internet communications, disseminating brochures, and similar efforts. While citizens’ expectations were constantly communicated to the police by the citizenry, Major Bernard noted that the department could only deal with the issues surrounding the procedures set in place by policy.

The third step was that the department contracted with the Police Executive Research Forum (PERF), as well as with the University of Virginia, to evaluate their initiative over the next two years. The police department made it clear that evaluation would be crucial when writing the policy and establishing its training program to ensure that no racial profiling took place and all policies were enforced.

### Future Expectations

Mr. Gerhart and Ms. Mack both noted that the city understands the future legal complications as a result of the board’s resolution. Mr. Perales said he believed the largest burden fell on the taxpayers. The cost of training the police and

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increasing the police force was an issue that the cities and the county must address.

Mr. Gerhart also stated that the county had anecdotal evidence that illegal immigrants were leaving the county very rapidly. This may be due to the drastic drop-off of the housing market and the loss of jobs rather than the ordinance. He explained that during this “rebalancing” of the economy, there had been an 18-month backlog of homes for sale. Mr. Gerhart also mentioned that the federal government would be the major player in this immigration dialogue in the future. He believed that if people believe their communities and opportunity for prosperity are being threatened they turn to the form of government to which they feel most closely connected.

Ms. Mack noted that this issue had brought many racial discussions among the media and citizens alike. On a broader scope, however, she noted that these legal battles and passionate, opposing groups have done very little to help Prince William County continue to portray an image of a progressive, northern Virginia community. Instead, through vocal community groups and the board’s actions, it had become clear that Prince William County was an inhospitable environment for unauthorized aliens.

### **Case Study—Valley Park, Missouri**

Valley Park Ordinance #1708 was created to target businesses and landlords that employed or rented property to unauthorized aliens, and also designated English as Valley Park’s official language. The ordinance stated that the city will suspend the license of businesses, or refusal to renew permits, or city contracts or grants of any business that hires undocumented aliens. This included those that aides and abets any undocumented alien. Violators may have their business suspended or have their application for license renewal denied, and are also ineligible for city contracts or grants. Also included in the ordinance was the prohibition on landlords renting to undocumented aliens, which is punishable by a fine. The ordinance was currently not enforced due to current legal proceedings. Other localities were basing their future court ruling on the fact that Valley Park has been upheld, and many other ordinances across the country were very similar, if not the same as, Valley Park.

Valley Park, Missouri was chosen as a case study due to the contentious litigation surrounding the ordinance implementation in July 2006. Since that time, the original ordinance (#1708) has been rescinded, amended, repealed, and revised several times. The current ordinance was #1736, which targets illegal hiring practices within local businesses, possible suspension of business licenses, and requiring enrollment in the Basic Pilot Program. The local community has been vocal in both support and opposition to the ordinance. The fate of this ordinance in the courts could set a precedent and determine the constitutionality of similar ordinances in other localities.

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Team members traveled to Valley Park on March 24, 2008. We conducted five interviews with individuals who were able to give insight into the introduction, development, and implementation process of the ordinances. We additionally asked them to discuss what they believed the future impact of the ordinance would be upon the community. The following individuals were interviewed:

- Eric Martin: City Attorney for Valley Park, neither opposed nor supported the ordinance;
- Anthony Rothert: Lawyer for the ACLU of Eastern Missouri, opposed to ordinance;
- Kristen Hinman: Reporter for the Riverfront Times, neither opposed nor supported the ordinance;
- Philip Soto: Head of Valley Park Citizens for Responsible Government, opposed to ordinance; and
- Janet Renner: Head of Missourians Against Illegal Immigration, supported the ordinance.

### Impetus for Ordinance

According to those interviewed, the impetus for the ordinance began with the Mayor of Valley Park, Jeffery Whitteaker. Allegedly, it was Mr. Whitteaker who came before a Board of Aldermans Meeting in Valley Park and presented an ordinance that was identical in style and language as the ordinance passed in Hazelton, Pennsylvania. Kristen Hinman, reporter for the local Riverside Times, insinuated that the motivation of the mayor to introduce the ordinance had possible racist overtones, and was a reflection his own negative interactions with Hispanics in the area. Janet Renner, the head of Missourians Against Illegal Immigration, stated that there were other factors that encouraged the Mayor to develop the ordinance. Mayor Whitteaker wished to take “a proactive approach to illegal immigration” to “protect the residents from the dangers of illegal immigration,” she said. When asked to specify these dangers, Ms. Renner cited an independent study that she had read recently that said 12 Americans are killed daily by unauthorized aliens.<sup>16</sup> She additionally spoke of the toll that the unauthorized aliens are allegedly taking upon the local economy, school systems, and hospitals.

Philip Soto, the head of Valley Park Citizens for Responsible Government, spoke of another reason for the introduction of the ordinance. He alleged that local citizens were growing tired of the seasonal temporary employees who would reside in the town to work for one of the several landscaping companies in town, including the largest company, Ray’s Tree Service. He also said that those who lived by the community of migrant workers called the code enforcement officer in Valley Park to complain of over-crowding in nearby homes.

Ms. Hinman concurred that the Mayor was concerned that the “way of life was changing in Valley Park,” but she stated that that view was not shared by the

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<sup>16</sup> <http://www.worldnetdaily.com/index.php/index.php?pageId=39031>

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majority of residents in the locality. The citizens in general were apathetic to the proposal of the ordinance, and she also stated that the numbers did not support the threat that the Mayor felt was affecting Valley Park. She understood at the time that enrollment in schools was low, and hospitals had very little problems treating too many uninsured patients.

### Development of the Proposal

According to Mr. Soto, Mayor Whitteaker and Mr. Eric Martin, the city attorney for Valley Park obtained the ordinance directly from Hazelton, Pennsylvania. Mr. Martin said that the ordinance was introduced during a closed session Board of Aldermans meeting, and was passed quickly. The public was never consulted about the introduction or passage. Mr. Soto said that general sentiment within the public was that the city should not be dealing with this issue, as it was something to be settled within a national context. He said that Valley Park was too small and with too few resources to take on such a contentious problem. He knew of many residents that felt that most of the issues addressed in the ordinance were already addressed elsewhere in legal codes, such as housing and worker verification. Mr. Eric Martin agreed that resources for Valley Park were stretched thin to meet the kind of legal battles the city would have to fight. He also asserted that no one expected at the time of the ordinance proposal that there would be so many lawsuits to follow contesting the validity of the ordinance itself.

### Implementation and Effects

There was a general agreement among all those interviewed that the ordinance was not actively enforced or implemented, as it had been caught in legal suspension for some time. ACLU Lawyer Anthony Rotherth was alerted about potential unconstitutionality after the first ordinance passed in July 2006. This ordinance contained many parts, including business provisions, housing code enforcement, declaring English as the official language of the city, and establishing criminal penalties for business and housing owners. After it was contested, a new ordinance was introduced significantly narrowing the original focus. The new ordinance addressed business provisions with possible license revocation as a penalty.

Mr. Rotherth said that, due to the temporary restraining order immediately placed on the first ordinance, very little of the ordinance could be actively enforced. He knew of instances in which a couple of police officers might have talked to landlords inquiring about illegal residents, but there were no penalties dealt. Mr. Rotherth knew that many tenants were asked to leave and others became afraid and left on their own. Mr. Rotherth told us that many times where charities relocated families and police would stop children on the street to inquire about the legal status of their parents. However, these incidents seemed far and few between and no immigrants or Hispanics had been cited, in terms of enforcement, he said.

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Mr. Martin alleged that many citizens were frustrated by the lack of action taken by the local authorities, now that the ordinance had passed. They believed that Valley Park was becoming a “safe haven” for unauthorized aliens because the police were unable to prosecute the legal status of unauthorized aliens unless they had committed a violent crime.

Ms. Hinman told us that it was difficult to interview local Hispanics for her newspaper article in the *Riverfront Times* as many had fled the area after the ordinance implementation.<sup>17</sup> But the few she was able to talk to told her that they “felt local law enforcement was coming regularly to get [them], [there was] harassment even before ordinances passed, tickets for minor things, car without a license in a parking lot, not mowing their lawn, etc.” Those harassed were legal citizens, she said. Ms. Hinman also claimed that she noticed more citizen mobilization against the ordinance after her article was published.

### Future Expectations

Many believe that the future of the ordinance implementation in the city will depend upon the new administration, as a result of the upcoming election in 2008. Mr. Martin expressed belief that if Mayor Whitteaker stays in office, then the ordinance may stay in legal suspension. If a new administration comes into office, both Ms. Hinman and Mr. Soto expressed belief that the ordinance will be rescinded completely. Mr. Martin said that he has prepared himself for a long future of battling continuing litigation regarding the ordinance, expecting it to escalate to the Supreme Court at some point. Mr. Soto agreed that if the current administration retains power, they “will aggressively pursue the appeal process, there is no middle ground in the council... no compromise.” The municipal elections take place on April 8, 2008 and the outcome of the election could very well determine the future of the ordinance in this community.

### **Case Study Observations**

This section includes a brief overview of the apparent themes that arose during our case study interviews. Also included in this section is a description of any noticeable patterns or trends among the demographic and economic information collected from the years 1990 through 2005 in the U.S. Census for the four case study localities.

### Case Themes

Farmers Branch, Texas; Valley Park, Missouri; Prince William County, Virginia; and Hazleton, Pennsylvania each have ordinances currently being reviewed in the judicial process. After the Valley Park ordinance was upheld by a reviewing federal court, officials in other localities that were the subject of case studies expressed confidence that each of their locality’s ordinances would similarly be

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<sup>17</sup> Hinman, Kristen. “Valley Park to Mexican Immigrants: ‘Adios Illegals!’” Riverside Times on the Web 28 Feb. 2007 <<http://www.riverfronttimes.com/2007-02-28/news/valley-park-to-mexican-immigrants-adios-illegals/full>>



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found permissible by the courts. However, even if these ordinances are ultimately upheld, there was no guarantee that they will actually be enforced. In each case study, at least some interviewees stated that they did not believe the ordinance in question would be fully enforced.<sup>18</sup> For example, although the Valley Park ordinance has been deemed permissible by a reviewing court, no local authority is currently enforcing the measure.

Those we interviewed from Farmers Branch, Prince William County, and Hazleton all identified political motivation, demographic changes, and public safety concerns as impetuses for the ordinances. The mayor of Valley Park, Missouri, was familiar with Hazleton's ordinance, and without gathering much input from the community or the board, decided a similar ordinance should be implemented in Valley Park. In examining other localities, it appears that Hazleton, Pennsylvania adopted their ordinance from San Bernardino, California. Farmers Branch, Texas, looked to Hazleton and Escondido, California, for ordinance framing and language. Currently, many other localities across the US are waiting for the outcome of Hazleton's legal proceedings to be resolved before they act further. Prince William County appeared to have the most thorough investigation into the development and implementation phase by using outside resources. Prince William County and Valley Park both had significant opposition from within the community. Furthermore, both of these localities faced objections from city officials to its board's actions. Prince William County's Police Chief expressed opposition to the ordinance from the beginning, while some Valley Park representatives, including a few members of the board of Aldermen believed the ordinance was not a good idea.

Ordinance enforcement did not appear to be the major priority of the localities and many had already expressed the concerns with enforcement and related difficulties. Funding the newly created policies seemed to be at least one major concern for locality officials. Also, legal battles were mentioned as an issue that has suspended further action from the localities and interested organizations. Overall, we sought to include a number of different perspectives from individuals and groups in each case study, which allowed us to observe common themes among those involved at the local level as well as connecting the larger similarities among all of the localities we visited.

### Demographic and Economic Comparison

The following provides a brief description of the demographic and economic characteristics of the case study localities.

- The percent change of the Hispanic population for the case study localities of Farmers Branch, Texas, Hazleton, Pennsylvania, Prince William County, Virginia, and Valley Park, Missouri, was at least two times that of the national

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<sup>18</sup> Reasons included the ordinances being too costly to enforce, not enough police officers to enforce the ordinances, and deals worked out between the localities and various citizen groups to not enforce the ordinances.

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average percent change of 38.9 percent between 1990 and 2000. Hazelton's percentage change was 390 percent, which was well above the others.

- Within the category of persons not a citizen, the percent change for the four case study localities was again at least twice that of the national average. Hazelton was well above the others at 187.5 percent.
- There was no trend in the unauthorized alien percentage change by state.
- Overall, the Hispanic population and the number of non-citizen's living in localities showed a trend opposite that of the national average. This could be a one of the reasons that lead to the development of ordinances in these four localities.

Examining the economic information we gathered, such as unemployment, families and individuals living below the poverty line, and rental housing classification, there were not many significant trends.

- The national unemployment rate from the years 1990 to 2005 increased only slightly from 4.1 percent to 4.5 percent. During that time, only Farmers Branch decreased its percentage of unemployment, and each of the other three localities increased. None increased to a percentage greater than the national average.
- The percentage of families living under the poverty line was another economic characteristic that we compared among our localities. Specifically, three of the four case study localities had averages below the national average, which increased by only .2 percentage points from 1990 to 2005. Hazleton had a percentage of individuals living under the poverty line that was slightly higher than the national average in 1990 and 2000, where 2005 data was unavailable.
- Another economic characteristic we studied was the percentage of housing classified as rental. The national average for 1990, 2000 and 2005 was 35.8, 33.8, and 33 percent, respectively. While Prince William County was the only one out of our case study localities that had an average lower than the national trend on each of the benchmark years, Hazleton, Farmers Branch, and Valley Park each had a percentage of housing units classified as rental that was similar to (Farmers Branch) or greater than (Hazleton, Valley Park) the national average.

### Ordinance Content

The following provides an overview of the case study localities' ordinance content.

- Farmers Branch, Texas, and Hazleton, Pennsylvania, both shared similar ordinance content, which included an English only section.
- Prince William County had the only significantly different ordinance. This ordinance focused more on government services and federal participation.
- Hazleton, Farmers Branch, and Valley Park, Missouri all had to rescind and revise their ordinances based on content.

### Conclusion

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As the previous sections have discussed, very few U.S. localities have enacted measures specifically targeting unauthorized aliens. While several demographic and economic characteristics were studied, most do not provide a clear picture regarding possible rationales for these ordinances. However, changes in the percent of Hispanic, non-citizen, and estimated unauthorized alien populations were often used in arguments for the ordinances in the case studies we conducted. Once more recent demographic and economic information becomes available for these localities, there will be a greater opportunity to further measure trends among such characteristics.

#### Future Research Areas

Our study did identify several areas where future research could provide additional insights into local ordinances intended to reduce illegal immigration. These might include (1) ordinances enacted in the past few years during the ongoing federal immigration debate that do not specifically mention immigration aspects, (2) examining additional demographic and economic characteristics, (3) state actions, and (4) the characteristics of “sanctuary” cities.

Research regarding localities that did not *specifically* mention unauthorized persons or illegal immigration may provide an area for future research. For example, we did not examine ordinances or resolutions that established English as the “official language” of a city or town. Such ordinances were beyond the purview of this analysis; however, further investigation could produce interesting insight into the localities that are producing anti-immigration ordinances.

As our analysis indicated, the only demographic characteristics which indicated an interesting pattern were estimates of the states’ unauthorized alien population and the Hispanic and foreign-born population at the locality level. Reviewing other specific economic and demographic characteristics beyond the initial eight we researched can also be performed. Further analysis may determine if additional characteristics have similarities between localities that have enacted legislation relevant to the immigration dialogue.

Additionally, our research looked at responses to unauthorized aliens at a local level; however, we noted that the response to unauthorized aliens seems to have shifted from locality responses to state responses. Further research of ordinances at a state level and possible demographic and economic similarities is a future research area as well.

Finally, our study researched localities that were opposed to unauthorized immigration. However, throughout our research, we noted that there were some localities that seemed open or at least unopposed to unauthorized immigration. For example, some localities commonly referred to as “sanctuary cities” have

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adopted policies that limit cooperation with federal immigration authorities seeking to apprehend and remove unauthorized aliens. Additional study of these localities may provide more comprehensive insight to local responses to unauthorized immigration.

## Local Ordinances Targeting Illegal Immigration

### Appendix I: Locality Legislation

| Localities            | Employer Requirement   | Employer Penalties  | Law Enforcement | Individual Impact | Housing Restrictions        | Housing Penalties       |
|-----------------------|--|---|-----------------|-------------------|-----------------------------|-------------------------|
| Altoona, PA           | Hiring<br>Affidavit<br>Employment Status Documentation         | Locality Business Relationship<br>Fines<br>Permit/License |                 |                   | Rent/Lease<br>Documentation | Permit/License<br>Fines |
| Athens, AL            | Affidavit  | Locality Business Relationship                            |                 |                   |                             |                         |
| Beaufort County, SC   | Hiring<br>Affidavit<br>Electronic Federal Verification Program | Permit/License  |                 |                   |                             |                         |
| Bellaire, OH          | Hiring<br>Employment Status Documentation                      | Fines<br>Additional Criminal Penalties                    |                 |                   |                             |                         |
| Bridgeport, PA        | Hiring<br>Electronic Federal Verification Program<br>Affidavit | Permit/License  |                 |                   | Rent/Lease<br>Documentation | Fines<br>Permit/License |
| Cherokee County, GA   |  |   |                 |                   | Rent/Lease<br>Documentation | Permit/License          |
| Dorchester County, SC | Electronic Federal Verification Program<br>Affidavit<br>Hiring | Permit/License  |                 |                   |                             |                         |
| Escondido, CA         |  |   |                 |                   | Documentation<br>Rent/Lease | Permit/License          |
| Farmers Branch, TX    |  |   |                 |                   | Documentation<br>Rent/Lease | Permit/License<br>Fines |
| Gilberton Borough, PA | Hiring<br>Day Labor Center                                     | Locality Business Relationships<br>Permit/License         |                 |                   | Rent/Lease                  | Fines                   |
| Green Bay, WI         | Hiring   | Locality Business Relationships<br>Permit/License         |                 |                   |                             |                         |
| Hazleton, PA          | Hiring<br>Affidavit  | Permit/License  |                 |                   |                             |                         |

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| Localities                | Employer Requirement   | Employer Penalties                                | Law Enforcement                           | Individual Impact   | Housing Restrictions        | Housing Penalties  |
|---------------------------|--|---|---|---------------------|-----------------------------|--|
|                           | Electronic Federal Verification Program  |   |   |                     |                             |  |
| Inola, OK                 | Hiring<br>Affidavit<br>Electronic Federal Verification Program                     | Permit/License<br>Fines                           |   |                     | Rent/Lease<br>Documentation | Permit/License<br>Fines                                  |
| Lake Havasu City, AZ      | Affidavit<br>Hiring<br>Employment Status Documentation                             | Fines<br>Additional Criminal Penalties            |   |                     |                             |  |
| Mahanoy City, PA          | Day Labor Center<br>Hiring   | Locality Business Relationships<br>Permit/License | National Provision                        |                     | Rent/Lease                  | Fines  |
| Mission Viejo, CA         | Electronic Federal Verification Program  | Locality Business Relationships                   |   |                     |                             |  |
| Oologah, OK               | Hiring<br>Affidavit  | Permit/License<br>Fines                           |   |                     |                             |  |
| Prince William County, VA |  |   | Other Federal Cooperation<br>Status Check | Government Services |                             |  |
| Riverside, NJ             | Hiring<br>Affidavit<br>Electronic Federal Verification Program<br>Day Labor Center | Locality Business Relationships<br>Permit/License | National Provision                        |                     | Rent/Lease<br>Documentation | Permit/License<br>Fines<br>Additional Criminal Penalties |
| Valley Park, MO           | Hiring<br>Day Labor Center<br>Affidavit<br>Electronic Federal Verification Program | Permit/License<br>Locality Business Relationships | National Provision                        |                     | Rent/Lease                  | Permit/License<br>Fines                                  |
| West Mahanoy Township, PA | Hiring<br>Day Labor Center   | Locality Business Relationship<br>Permit/License  | National Provision                        |                     | Rent/Lease                  | Fines  |

## *Local Ordinances Targeting Illegal Immigration*

### **Appendix II: Ordinance Content Definitions**

#### ***Employer Requirements***

|   |  |
|---|--|
| Hiring  | Restrictions against hiring or attempting to hire unauthorized aliens.   |
| Employment Status Documentation               | Requirement that businesses obtain, verify, and/or maintain documentation of employee or potential employee's employment status. This requirement is a reiteration of current federal I-9 employment processes. While all localities have this requirement for hiring purposes, only those that specifically state this provision in the ordinance have this coding. |
| Electronic Federal Verification Participation | Requirement that businesses participate in federal verification programs, such as the Basic Pilot Program, E-Verify, or any other program. This may be required in every instance or only after a business has committed a violation.  |
| Affidavit                                     | Requirement that businesses complete an affidavit, certification, or confirmation stating they do not knowingly or willfully hire or attempt to hire unauthorized aliens.  |
| Day Labor Center                              | Restrictions against businesses aiding or abetting the establishment of day labor centers that do not verify the legal work status of the laborer.   |

#### ***Employer Penalties***

|                                 |   |
|---------------------------------|---|
| Fine                            | Monetary penalties for lack of compliance with business ordinances, including multiple offenses.  |
| Permit or License               | Suspension, denial, or loss of locality business permits or licenses for lack of compliance with business ordinances.   |
| Additional Criminal Penalties   | Imprisonment or community service for lack of compliance with business ordinances, normally for more than one offense.  |
| Locality Business Relationships | Suspension, denial, or loss of locality contracts, loans, grants, or other business relationships such as tax incentives, subsidies, and other compensation agreements for lack of compliance with business ordinances. |

#### ***Law Enforcement***

|                           |   |
|---------------------------|---|
| National Provision        | Specific language concerning aiding or abetting unauthorized aliens within the United States, not just within the locality. |
| Other Federal Cooperation | Interest in or support of cooperation with federal immigration officials, including training or education. <sup>19</sup>    |

#### ***Individual Impact***

|  |
|--|
| Refusal of government services to unauthorized aliens. |
|--|

#### ***Housing Restrictions***

|               |  |
|---------------|--|
| Rent or Lease | Prohibition on landlords or residents from renting to, leasing to, allowing use of property by, or otherwise harboring unauthorized aliens.                                      |
| Documentation | Requirement for landlords to validate legal status of renter, leaser, or property buyer. This may be required in every instance or only when asked by law enforcement officials. |

<sup>19</sup> Localities are entering into or have entered into agreements with the federal government using the 287-G provision. For purposes of the coding, we only included ordinances that specifically mentioned federal coordination or cooperation.

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### ***Housing Penalties***

|                               |   |
|-------------------------------|---|
| Fine                          | Monetary penalties for lack of compliance with housing ordinances, including multiple offenses.                       |
| Permit or License             | Suspension, denial, or loss of housing permits or licenses for lack of compliance with housing ordinances.            |
| Additional Criminal Penalties | Imprisonment or community service for lack of compliance with housing ordinances, normally for more than one offense. |



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### Appendix III: Excluded Localities

| Location             | Defeated Legislation  | Pending Legislation | No Information    | Not Specific to Unauthorized Aliens |                         |
|----------------------|-----------------------|---------------------|-------------------|-------------------------------------|-------------------------|
| Council Bluffs, IA   | Sandwich, MA          | Allentown, PA       | North Hampton, MA | Boaz, AL                            | Green Bay, WI           |
| Topeka, KS           | Gaithersburg, MD      | Mesa, AZ            | Berwick, PA       | Gadsden, AL                         | Gonzales, LA            |
| Newton, NJ           | Mint Hill, NC         | Huntsville, AL      | Larksville, PA    | Hoover, AL                          | Barnstable Town, MA     |
| Harrington, DE       | Coweta, GA            | Bullhead City, AZ   | McAdoo, PA        | Pelham, AL                          | Milford, MA             |
| Plains Township, PA  | Cook County, IL       | Carpentersville, IL | Shamokin, PA      | Northport, AL                       | Gaithersburg, MD        |
| Kline Township, PA   | Cape Coral, FL        | Asheville, NC       | Clarksville, TN   | Kingman, AZ                         | Taneytown, MD           |
| Shenandoah, PA       | Fort Collins, CO      | Pahrump, NV         |                   | Maricopa County, AZ                 | Hazel Park, MI          |
| Gwinnet County, GA   | Elsmere, DE           | East Union, PA      |                   | Mesa, AZ                            | St. Charles County, MO  |
| Miami, FL            | Avon Park, FL         | Frackville, PA      |                   | Payson, AZ                          | Davidson, NC            |
| Defuniak Springs, FL | Suffolk County, NY    | Freeland, PA        |                   | Apple Valley, CA                    | Forsyth, NC             |
| Gaston, SC           | San Bernardino, CA    | Lansford, PA        |                   | Baldwin Park, CA                    | Gaston, NC              |
| Newark, NJ           | Forty Fort, PA        | Nesquehoning, PA    |                   | Lancaster, CA                       | Landis, NC              |
| LaPorte, IN          | James City County, VA | Norristown, PA      |                   | Mission Viejo, CA                   | Lincoln, NC             |
| Greenwood, AR        | Farmers Branch, TX    |                     |                   | Vista, CA                           | Bogota, NJ              |
| Rogers, AR           | Nashville, TN         |                     |                   | Santa Clarita, CA                   | Pahrump, NV             |
| Springdale, AR       |                       |                     |                   | Colorado Springs, CO                | Suffolk County, NY      |
| Aurora, CO           |                       |                     |                   | Platteville, CO                     | Tulsa, OK               |
|                      |                       |                     |                   | Pueblo, CO                          | Pickens County, SC      |
|                      |                       |                     |                   | Palm Beach, FL                      | Friendswood, TX         |
|                      |                       |                     |                   | Cherokee County, GA                 | Oak Point, TX           |
|                      |                       |                     |                   | Elgin, IL                           | Culpeper County, VA     |
|                      |                       |                     |                   | Hampshire Village, IL               | Herndon, VA             |
|                      |                       |                     |                   | Stafford County, VA                 | Loudoun County, VA      |
|                      |                       |                     |                   | Frederick County, MD                | Spotsylvania County, VA |
|                      |                       |                     |                   | Chesterfield County, VA             | Irving, TX              |
|                      |                       |                     |                   | Crested Butte, CO                   | Mint Hill, NC           |
|                      |                       |                     |                   | Lardid, NC                          |                         |

## Local Ordinances Targeting Illegal Immigration

### Appendix IV: Ordinance Content

|                                   | Number of Localities | Percent of Total Localities | Sub-Category   | Number of Localities | Percent of Total Localities |
|-----------------------------------|----------------------|-----------------------------|--|----------------------|-----------------------------|
| <b>Employer Requirements</b>      | 17                   | 81.0%                       |  |                      |                             |
|                                   |                      |                             | <i>Hiring</i>  | 15                   | 71.4%                       |
|                                   |                      |                             | <i>Affidavit</i>                                     | 11                   | 52.4%                       |
|                                   |                      |                             | <i>Electronic Federal Verification Participation</i> | 8                    | 38.1%                       |
|                                   |                      |                             | <i>Day Labor Center</i>                              | 5                    | 23.8%                       |
|                                   |                      |                             | <i>Employment Status Documentation</i>               | 3                    | 14.3%                       |
| <b>Employer Penalties</b>         | 17                   | 81.0%                       |  |                      |                             |
|                                   |                      |                             | <i>Permit or License</i>                             | 13                   | 61.9%                       |
|                                   |                      |                             | <i>Locality Business Relationships</i>               | 9                    | 42.9%                       |
|                                   |                      |                             | <i>Fine</i>  | 5                    | 23.8%                       |
|                                   |                      |                             | <i>Additional Criminal Penalties</i>                 | 2                    | 9.5%                        |
| <b>Law Enforcement</b>            | 5                    | 23.8%                       |  |                      |                             |
|                                   |                      |                             | <i>National Provision</i>                            | 4                    | 19.1%                       |
|                                   |                      |                             | <i>Status Check</i>                                  | 1                    | 4.8%                        |
|                                   |                      |                             | <i>Other Federal Cooperation</i>                     | 1                    | 4.8%                        |
| <b>Individual Impact</b>          | 1                    | 4.8%                        |  |                      |                             |
|                                   |                      |                             | <i>Government Services</i>                           | 1                    | 4.8%                        |
| <b>Housing Restrictions</b>       | 11                   | 52.4%                       |  |                      |                             |
|                                   |                      |                             | <i>Rent or Lease</i>                                 | 11                   | 52.4%                       |
|                                   |                      |                             | <i>Documentation</i>                                 | 7                    | 33.3%                       |
| <b>Housing Penalties</b>          | 11                   | 52.4%                       |  |                      |                             |
|                                   |                      |                             | <i>Fine</i>  | 9                    | 42.9%                       |
|                                   |                      |                             | <i>Permit or License</i>                             | 8                    | 38.1%                       |
|                                   |                      |                             | <i>Additional Criminal Penalties</i>                 | 1                    | 4.8%                        |
| <b>Total number of localities</b> | <b>21</b>            |                             |  |                      |                             |

## Local Ordinances Targeting Illegal Immigration

### Appendix V: Case Study Matrix

| State | City                  | Innovation | Comprehensive | Revisions | Legal Actions | Total |
|-------|-----------------------|------------|---------------|-----------|---------------|-------|
| AL    | Athens                |            |               |           |               | 0     |
| AZ    | Lake Havasu City      |            |               |           | X             | 1     |
| CA    | Escondido             |            |               |           | X             | 1     |
| CA    | Mission Viejo         |            |               | X         | X             | 2     |
| GA    | Cherokee County       |            |               |           | X             | 1     |
| MO    | Valley Park           |            | X             | X         | X             | 3     |
| NJ    | Riverside             |            |               |           | X             | 1     |
| OH    | Bellaire              |            |               |           |               | 0     |
| OK    | Inola                 |            |               |           |               | 0     |
| OK    | Oologah               |            |               |           |               | 0     |
| PA    | Altoona               |            | X             |           |               | 1     |
| PA    | Bridgeport            |            | X             |           |               | 1     |
| PA    | Gilberton Borough     |            | X             |           | X             | 2     |
| PA    | Hazleton              | X          | X             | X         | X             | 4     |
| PA    | Mahanoy City          |            | X             |           | X             | 2     |
| PA    | West Mahanoy Township |            | X             |           | X             | 2     |
| SC    | Beaufort County       | X          |               |           |               | 1     |
| SC    | Dorchester County     |            |               |           |               | 0     |
| TX    | Farmer's Branch       |            |               | X         | X             | 2     |
| VA    | Prince William Cty.   | X          |               | X         | X             | 3     |
| WI    | Green Bay             |            |               |           |               | 0     |