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FOR IMMEDIATE RELEASE

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MEDIA RELEASE

Federal Judge rules that the City of Phoenix violated federal law by restricting immigrant eligibility to emergency housing funds.

Two community organizations, Poder in Action (Poder) and the Arizona Dream Act Coalition (ADAC), and an individual Plaintiff, filed the lawsuit against the City of Phoenix. Plaintiffs are represented by the William E. Morris Institute for Justice and the Arizona Center for Law in the Public Interest

PHOENIX- The William E. Morris Institute for Justice and the Arizona Center for Law in the Public Interest filed a lawsuit against the City of Phoenix. In the lawsuit, we claimed that the City’s emergency housing program funded with the federal CARES Act Coronavirus Relief Fund violated federal law by excluding immigrants, including Deferred Action for Childhood Arrivals (“DACA”) recipients, from the program.

Passed on March 27, 2020, the CARES Act is a federal economic stimulus bill that, in part, allocated funds to states and local municipalities for the purpose of helping with the COVID-19 pandemic recovery. The City of Phoenix was allocated \$293 million of Coronavirus Relief Funds and decided to use approximately \$25 million to help prevent evictions and homelessness for those living in the City. The City provided rental, mortgage and utility assistance to persons impacted by the COVID-19 pandemic. The emergency funds available through the program are paid directly to the recipients’ landlord, mortgage carrier, or utility service provider.

When it established this emergency housing program, the City restricted immigrant eligibility based on whether the immigrant was a “qualified” immigrant as defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”). This definition of “qualified” immigrant under PRWORA is restrictive

and leaves out many groups of immigrants, including DACA recipients, persons with Temporary Protected Status, asylum applicants, U-Visa holders who are victims of serious crimes and others.

In this case, Plaintiffs claimed the emergency housing funds are exempt from PRWORA because they are “short-term, non-cash, in-kind emergency disaster relief.” Plaintiffs claimed the City of Phoenix’s restrictive immigrant eligibility requirements were preempted by the federal law and violated the Supremacy Clause of the United States Constitution.

The federal judge agreed. His order was issued today, December 9, 2020. Based on the Court’s final order, the City agreed to immediately notify the contractor, Wildfire, of the court’s decision and require Wildfire to immediately comply with the court order. Those immigrants previously excluded from applying can now apply for the funds.

The period to apply for these funds ends on December 30, so all immigrants who want to apply should apply as soon as possible. Several community groups are accepting applications.

Viridiana Hernandez is the Executive Director of Poder. She stated: “Our immigrant community is the backbone of Phoenix. The decision from the council to exclude immigrants caused irreparable harm. These funds must immediately be available to communities that should have never been excluded in the first place. We hope the Mayor and council also acknowledge the harm they caused and commit to undoing it by increasing the resources to migrants they hurt.”

Karina Ruiz De Diaz, is the Executive Director of ADAC. She stated: “We know the needs of our immigrant community are so great and especially now in the COVID-19 pandemic, we see so much suffering. We hope these funds will get distributed quickly to the immigrants improperly excluded from the program so they can get some much-needed help with their rent, mortgage and utilities.”

For further information, contact Ellen Katz at (602) 252-3432 or eskatz@qwestoffice.net. or Danny Adelman at (602) 258-8850 or danny@aclpi.org.

The William E. Morris Institute is a non-profit program that advocates on economic and social justice issues for low-income and other vulnerable Arizonans.

The Arizona Center for Law in the Public Interest (“ACLPI”) is a non-profit, public interest law firm dedicated to ensuring government accountability and protecting the legal rights of Arizonans.

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