

# LAW OFFICES OF SAMUEL Z. BROWN, P.C.

*October 2006 Newsletter*

## **FOCUSING ON YOU**

### *FREE LEGAL PROGRAM FOR SOLDIERS*

When soldiers come home they are often faced with difficult legal issues, such as separation or divorce, custody disputes, real estate matters, and debtor-creditor issues. Additionally, there may be estate work for surviving families when the soldiers do not return home.

The Law Offices of Samuel Z. Brown, P.C. recently began a program offering assistance to our troops and their families. The program, entitled the Legal Assistance Program for Soldiers (LAPS), will provide free legal advice to New Jersey servicemen and women returning home from active service in Afghanistan and Iraq, as well as the families of those who died while serving their country. This is part of the firm's overall mission of providing community based programs.

The program will run for the next year and will offer free services in a variety of legal areas, including family law, real estate, landlord tenant law, and estate administration. To determine if you qualify or to learn more about the firm's community based programs visit the LAPS website at [www.legalassist.blogspot.com](http://www.legalassist.blogspot.com).

## **WEIRD LAWS**

Did you know that in *New Jersey*...  
It is illegal to delay or detain a homing pigeon.

Did you know that in *Pennsylvania*...  
Any motorist driving along a country road at night must stop every mile and send up a rocket signal, wait 10 minutes for the road to be cleared of livestock, and continue. Also, if you see a pack of horses coming towards you, you must immediately pull over and cover your car with a material that is similar to the landscape and wait for them to pass.

Did you know that in *New York*...  
New Yorkers cannot dissolve a marriage for irreconcilable differences, unless they both agree to it. (Think about it...)

Did you know that in *Israel*...  
It is illegal to bring a bear with you to the beach.

To read the full text of these and more weird laws, please visit [www.dumblaws.com](http://www.dumblaws.com).

## **LET'S TALK ABOUT... RENTING TO ALIENS**

Recently the Law Offices of Samuel Z. Brown, PC, in conjunction with the Community Legal Coalition hosted a seminar on Landlord Tenant law. Several questions were raised during the course of the seminar about renting to "illegal aliens." Samuel Brown, an attorney with the Law Offices of Samuel Z. Brown, PC, indicated that a landlord does not have a responsibility to determine the legal status of his tenant.

If a landlord has knowledge of the tenant's illegal status, the landlord may be in violation under 8 U.S.C.A. 1324(a)(1)(A)(iii), which includes facilitating an aliens remaining in the United States illegally. However, if a landlord does not know and has no reason to know, then there is no proactive obligation for a landlord to conduct an investigation beyond his normal inquiries of a potential tenant (i.e. work history, credit check, etc.).

Recently, towns such as Hazleton, Pennsylvania, and Riverside, New Jersey, have attempted to make renting to "illegal aliens" a punishable offense. The American Civil Liberties Union (ACLU) has filed a ten count complaint in Pennsylvania, challenging the actions taken by the town of Hazleton. Its complaint alleges, in part, a violation of the supremacy clause of the United States Constitution, the due process clause, 42 USC 1981, and the Fair Housing Act (42 USC 3601 et seq.).

Notably, the complaint points out that in complying with these laws a person may violate other federal laws. For example, by requiring a landlord to establish whether or not a potential tenant is "illegal," a landlord will need to demand and review documents for any person who he suspects to be illegal. The average person is not qualified to review documentation, such as a birth certificate, visa or passport, and ascertain its validity. This also places the landlord potentially in violation of 42 U.S.C. 1981, which prohibits discrimination based on alienage, specifically with regard to a persons fundamental right to contract. Additionally, this is a potential violation of 42 U.S.C. 3601 et. seq. (the Fair Housing Act), which prohibits discrimination on the basis of national origin. Notably, New Jersey law parallels the federal law. N.J.S.A. 10:5-12(g) prohibits a landlord from discriminating against any person because of national origin. By requesting particular documentation from some potential tenants and not others, it exposes landlords to potential liability for violation of these other laws.

Currently there is no state law in New Jersey that bans a landlord from renting to an "illegal alien." Nor has any state law required a landlord to ascertain the legal status of his tenant. Furthermore, federal law has never been interpreted so broadly as to require a landlord to request documentation from their potential tenants and ascertain the validity of the same.