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Historic Legal Battle Unveiled Against Discriminatory Florida Housing Law SB 264

Advocates Contest Xenophobic Restrictions on Property Ownership, Assert Violation of Federal Fair Housing Act

On May 6, 2024, the National Fair Housing Alliance (NFHA), the Asian Real Estate Association of America (AREAA), Housing Opportunities Project for Excellence, Inc., and the Fair Housing Center of the Greater Palm Beaches filed a fair housing discrimination suit in federal court in Miami challenging Florida's SB 264, a state law that greatly restricts people from China, Russia, Iran, North Korea, Cuba, Venezuela, and Syria from purchasing real property in the state. The law almost completely prohibits Chinese citizens and people domiciled in China from buying property in the state. People domiciled in one of the other six countries are prohibited from buying real property within ten miles of critical infrastructure facilities or military institutions—a restriction that covers 98.5% of all residential land in the state.

“Xenophobia has no place in our country—and let there be no mistake, that’s precisely what SB 264 is,” said Noah Baron, Assistant Director of Litigation at Advancing Justice - AAJC. “This legislation echoes last century’s ‘alien land laws,’ which also restricted the property rights of Asian Americans on the basis of stereotypes and prejudice. The United States must not continue down this dangerous road; we know where it leads because we have traveled it before: during World War II when unfounded suspicions of Japanese Americans led to the [forced imprisonment of over 120,000 Japanese Americans](#) by the U.S. government and going as far back as the [1882 Chinese Exclusion Act](#).”

The lawsuit filed by Relman Colfax, Asian Americans Advancing Justice – AAJC, and Courtney Cunningham asserts that SB 264 violates the federal Fair Housing Act, which prohibits acts that are motivated by a person’s national origin or have a disproportionate harmful effect on people from specific countries. As described in the complaint, SB 264 is based on stereotyped and xenophobic generalizations, and is transparently motivated by discrimination against people from the seven targeted countries.

“SB 264 is reminiscent of early twentieth century land laws that attempted to prevent Asian and other immigrants deemed undesirable from settling in the United States. This law is one of the most discriminatory housing prohibitions this country has seen since the Fair Housing Act was passed in 1968. Legislation such as this prevents people from purchasing homes and becoming, or continuing to be, valued members of the community. SB 264 cannot be permitted to stand,” said **Keenya Robertson, President and CEO of Housing Opportunities Project for Excellence, Inc.**

“This is a momentous day for AREAA and our 19,000 members as it is the first time we have filed suit to protect the rights of the AANHPI community,” said **Jamie Tian, President of AREAA**. “SB 264 must be defeated. Florida legislators and Governor DeSantis have wrongly targeted Chinese, and other select groups of immigrants. They have opened the door for greater discrimination while creating increased barriers of homeownership entry for prospective AANHPI homebuyers and sellers. My parents came to the U.S. from China as PhD candidates and they eventually bought a home in Irvine, California. I shudder to think about what my parents would have gone through today if they had settled in Florida. It’s infuriating to realize we now live in a reality where government leaders are putting homeownership out of reach for AANHPI people in Florida.”

The law was promoted by Governor DeSantis who described it as part of an effort to prevent people from certain countries from “worming” their way into American society. The bill’s sponsor described it as targeting foreign agents, but its broad sweep captures people lawfully in the United States and vetted by immigration officials such as people on student visas, domestic employment and seasonal worker visas, and visas for victims of criminal activity and human trafficking. People from the targeted countries who already own property in the state are required to register with the Florida Department of Commerce. The penalties for violating the law include felonies punishable by as much as five years imprisonment and can be applied to buyers, sellers, and real estate professionals.

“The federal Fair Housing Act was signed into law to eliminate the race-based barriers to housing that have plagued our nation since its inception. SB 264 is contrary to the spirit of our nation’s fair housing laws and tramples on the rights of people of Asian descent and other immigrants. It sends the dangerous message that discrimination in housing based on national origin is acceptable in the state of Florida,” said **Lisa Rice, President and CEO of the National Fair Housing Alliance**. “We look forward to vindicating the fair housing rights of Asians and other immigrants in Florida and making it possible for them to secure stable housing.”

The sponsors’ defense of the bill is to cite national security concerns, but people from the targeted countries make up a tiny percentage of all residential property buyers in the state and the legislative record identified no link between the purchase of residential property and security threats. With no basis, SB 264 explicitly targets individuals from the seven targeted countries for disfavored treatment while imposing no similar restrictions on nationals of any other country. The legislation impedes the pursuit of the American dream for families from China and the other countries who aspire to build a life in this country free from discrimination.

“The people of Florida deserve better than a government that says ‘you are not welcome’ to large groups of people just because they were born in a particular country,” said **Vince Larkins, President and CEO of Fair Housing Center for the Greater Palm Beaches**. “We cannot sit idly by while housing discrimination is now the official policy of the State of Florida.”

“It is our expectation that the court will find this explicitly discriminatory law as a violation of the Fair Housing Act and strike it down,” said **Reed Colfax, a partner with Relman Colfax**.

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