

Manassas Changes Definition Of Family

Activists Criticize New Housing Limits As Anti-Immigrant

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The inspector slid into his Crown Victoria, a police radio on his belt, addresses in hand. It was after 5 p.m., and he and his interpreter rolled into Manassas, down a street of benign ranch houses strung with lights. They parked, walked to a door and knocked.

"Mrs. Chavez?" Victor Purchase asked in the quiet evening.

There had been a complaint, he said. The city needed to know not just how many people lived there but how they were related. He handed Leyla Chavez a form and explained that she could be prosecuted for lying.

"Okay," she said and, in a mild state of shock, began filling it out.

There was Chavez and her husband. Their two sons. A nephew. The man who rented downstairs. His girlfriend.

"Your nephew, under our law, is considered unrelated," Purchase said, then delivered the verdict: Two people had to go.

That is because a zoning ordinance adopted this month by the city of Manassas redefines family, essentially restricting households to immediate relatives, even when the total is below the occupancy limit.

The rule, which has alarmed civil libertarians and housing activists, is among a series of attempts by municipalities across the nation to use zoning powers to deal with problems they associate with immigrants, often illegal, who have settled in suburbs, typically in shared housing to help with the rent or mortgage.

"It is not only unfair; it's racism," said Edgar Rivera, an organizer with Tenants and Workers United, a Northern Virginia group that advocates affordable housing as a solution to overcrowding. "It's basically a way to just go after certain communities."

Kent Willis, executive director of the American Civil Liberties Union of Virginia, said the new rule is "constitutionally questionable" and pointed to a 1977 Supreme Court ruling that struck down a similar law defining family passed by the city of East Cleveland, Ohio.

Even so, other municipalities have passed similar ordinances or are considering them.

Reacting to a swell of pressure from residents, the town of Herndon restricted its definition of family last year. Prince William County and Richmond are studying the Manassas ordinance. And Fairfax County is seeking authority from the state to impose criminal fines and jail time on landlords who rent houses to more than four unrelated people, typically immigrants.

In Manassas, the ordinance is one of several steps the city has taken. In October, Mayor Douglas S. Waldron (R) asked Gov. Mark R. Warner (D) to declare a state of emergency in Virginia regarding illegal immigration, as have governors in New Mexico and Arizona. The declaration, which would make localities eligible for federal homeland security dollars, was not made. Waldron also asked for expanded police powers to identify and arrest illegal immigrants.

Waldron and two city lawyers did not return several calls.

"It isn't just too many people in the house," said Manassas Vice Mayor Harry J. "Hal" Parrish II. "It's impacting parking on the streets. It's impacting the hospital and its costs, our emergency services, our schools to a great extent."

Parrish said he understands why some people might think the ordinance is racist, but he disagrees. "In my heart, I believe that is not the issue," he said. "The issue is the impact of overcrowding in our community. It looks as though that issue is a direct result of illegal immigration."

But Chavez and her husband, Juan, are U.S. citizens. They came from Honduras in the 1980s, worked more than one job -- she at two laundromats, he as a cook -- and eventually saved enough to buy the house on Liberia Avenue in 2003 for \$270,000.

Now, faced with the loss of rental income and with a \$3,500 monthly mortgage to pay, Chavez said, they are going to sell. The family will never buy a house again, she said.

Chavez, who has two nephews in the military who served in Iraq, said she could understand having some kind of rule against overcrowding.

"When it's 20 or 30 people, when there are drinkers, drugs, I say yes," she said.

Considering, though, that every house on her block more or less resembles hers, and considering that she has only seven people living in a five-bedroom house, she was suspicious about why she was singled out. As far as she knew, she and her husband were just doing what any normal family would do to make it.

"Americans live that way, too," Chavez said. "They have roommates."

In Manassas, a city of about 40,000 with a rapidly growing Latino population -- it is 72 percent white, 15 percent Latino and 13 percent black -- some residents see the rule as a bizarre form of social engineering. Others are indifferent, thinking they will not be

subjected to the "bedroom police." The ordinance is enforced by complaint, and so far, complaints have overwhelmingly been against Latinos, Purchase said.

A vocal number of locals have welcomed the ordinance, saying they hope it will help alleviate complaints about trash, parking problems and tight school budgets as well as more general feelings of unease that somehow, the city is not theirs anymore.

New Concept in Town

The Dec. 5 town hall meeting at Round Elementary School was advertised in the usual way, without any special outreach to the Latino community. About 30 residents attended, no one objected to the ordinance, and the City Council easily adopted it. Then Brian Smith, chief building official, stood up to explain the new concept in town: consanguinity.

Under the city's old, broad definition of family, just about any group of relatives, however distantly related, was allowed to share a single-family house, along with one unrelated person.

The problem with that, Smith explained, was that when inspectors responded to a complaint, they often found houses full of aunts, uncles, cousins and extended relatives but no violations, because the total number was below the occupancy limit.

"We were stymied by families who met the existing definition," Smith said. And so the city changed the rules to break up more households.

Under the city's old zoning ordinance, there were three definitions of who could share a house: three unrelated people; two unrelated people and their children; or any combination of relatives, however extended, plus one unrelated person. It is the third definition that was changed under the new law.

"What we tried to do is define it in a way that was traditional, to make sure these peripheral people start to be winnowed out," Smith said.

According to the new definition, one unrelated person is still allowed. But everyone else must fall within the "second degree of consanguinity" from the person declared to be the head of household. Significantly, relationships are traced through the parents.

Thus, in Chavez's case, her nephew is three degrees: He is her parents' son's son and thus is considered unrelated. Under the old rule, Chavez had two unrelated people living with her -- the tenant and his girlfriend -- and one would have had to go. Under the new rule, though, she has three unrelated people under her roof.

The Chavezes have 30 days to comply. If they don't, they face escalating fines and, ultimately, court.

Smith said he has been surprised at how many people readily allow inspectors into their homes and how many families have complied with the rules.

From Leyla Chavez's point of view, however, the compliance stemmed more from fear than a happy sense of cooperation.

"It's like the police were here searching for murderers," she said.

If she fixed a few expensive fire code violations, and if she could find close relatives to move in, the family could perhaps stay, she realized. But it would be a hassle, she said, and one that might never end. She is hoping that things are easier in North Carolina.

"The living is cheaper there," she said. "We'll rent a little house, and we'll be comfortable."

Although safety violations often turn up during inspections, Smith said that the complaints that prompt inspection rarely have to do with safety. Typically, they are about parking or a more general suspicion that a large number of people are living next door.

Purchase, who is an assistant fire marshal, said that occasionally he will find what amounts to a rooming house full of unrelated people. More often he will find, say, eight people who were living lawfully under the old definition of family but who might now be broken up. Mostly, he said, people are living as one unit, and mostly, the houses he inspects are neat and orderly.

A Changing Area

In general, the city of Manassas is neat and orderly, too.

Crime is down again this year. The historic downtown area is doing well, with wine shops and spas and restaurants. And the city is planning more development -- townhouses and single-family homes that will bring more people.

The area is also quietly changing: *Se habla espanol* signs are hung at car dealerships. Strip malls might have a Starbucks alongside a *mercado*. Travel agencies advertise flights to Honduras.

Along with those changes, the city has received a rising number of complaints about crowding. To help field them, an "overcrowding hotline" was established, and in October, the mayor sent two letters to Warner asking him to declare a state of emergency.

"One of the largest impacts is being felt on our once-quaint neighborhood streets, which now in many cases are littered with trash and lined with far too many vehicles due to overcrowded boarding houses and multi-family dwellings," the mayor wrote. "The situation is eroding the strong spirit of our city. . . . We must stress that we are not anti-immigration, rather *illegal* immigration is our concern."

Along the residential streets of Manassas, however, the sense of panic and urgency that many residents and politicians feel is not shared by everyone.

"It's definitely more diverse," said Mike Donick, a retired government worker who has lived 11 years on Abbott Road, where neighbors have complained about some houses with Latino families. "The only thing I notice is more cars around than there used to be. It hasn't really affected me."

Over on Gloxinia Way, however, Marta Horlick, a substitute teacher and translator originally from Puerto Rico, said she has had parking problems and garbage issues and has witnessed some odd scenes: In the garage of a neighbor's house one weekend, a line of men was waiting for a woman to give haircuts, for instance.

She is concerned that the city is missing out on tax dollars. She is worried about school budgets being consumed by English language programs. Really, she said, the problem is bigger than the city has the wherewithal to handle.

"I don't think it's a perfect solution," she said of the new ordinance. "But it beats doing nothing."

But Willis, of the ACLU, questioned whether the city can implement the rule without discriminating on the basis of race or national origin. "In a nation that prides itself on diversity," he said, "these kinds of ordinances are becoming part of a shameful episode in our history."

After he left Leyla Chavez's place, Purchase and his interpreter, Adriana Vallenias, got back into the Crown Victoria and headed off for the next address, a re-inspection.

They joined the streams of cars and trucks full of people coming home from work, passed Iglesia Pentecostal church, then the old white-columned houses of Grant Avenue, then Valdemar Travel Agencia de Viajes.

They pulled up to the townhouse of Oscar Cortez, a construction worker from El Salvador. A few weeks ago, he had a house full of seven tenants, all unrelated.

"We have a form for you to fill out," Purchase said to Cortez. "If you lie to me, we're going to prosecute you."

Cortez filled out the form as Vallenias explained who could live in the house he owns.

"Your brother, mother, father," she said. "No uncles, no aunts, no cousins, no nieces, no nephews."

Purchase headed upstairs to check two bedrooms that had been full before.

He pushed open the doors. This time, they were empty.