

What's New

Cases and Legislation

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***Texas Dept. of Housing & Comm. Affairs v.
Inclusive Communities, Inc.***

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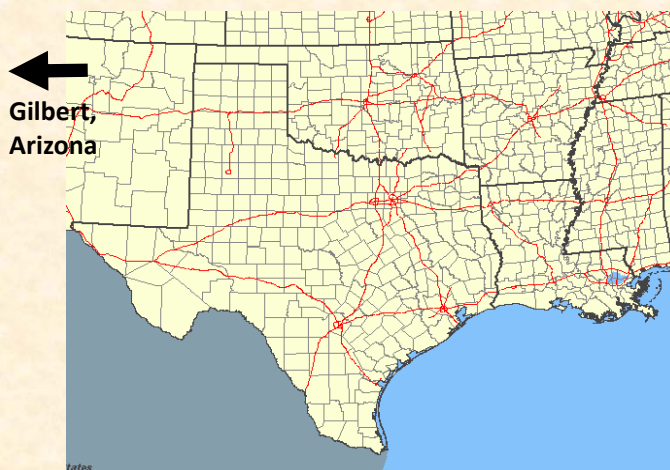
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- TDHCA-awarded tax credits for low-income housing projects
- Statistics: Too many projects in low-income, black areas
Too few in white suburbs
- “Disparate impact” claim
- Supreme Court split 5-4
 - “Disparate impact” claim is “cognizable” (no intent)
 - But “safeguards” needed to avoid quotas, etc.
- Now codified in HUD housing regs (with burden-shifting)

Reed v. Town of Gilbert

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Reed v. Town of Gilbert

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- Ordinance set different rules for:
 - Political signs
 - Ideological signs
 - Temporary directional signs
- Rules were “content based” so “strict scrutiny” applied
 - Did rules further a “compelling” governmental interest?
 - Were rules “narrowly tailored” to achieve that interest?
- *Held*: Unconstitutional . . . 9-0 . . . 3 using lower standard

Reed v. Town of Gilbert

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- Justice Alito’s list of sign rules that are *NOT* content based:
 - Size, location, lit/unlit, fixed/changed messages
 - On private v. public property
 - On commercial v. residential property
 - On-premises v. off-premises
 - Number of signs per mile of roadway
 - Time restrictions for one-time events
 - Government signs

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"What's New: Cases and Legislation"