



PROJECT SOUTH  
9 GAMMON AVE SE  
ATLANTA, GEORGIA 30315  
ProjectSouth.org

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June 11, 2018

**BY ELECTRONIC TRANSMISSION AND FACSIMILE**

Steve Holt  
Mayor of Florence  
110 West College Street  
Florence, AL 35630

RE: Denial of Utility Services for Failure to Produce Social Security Number

Dear Mayor Holt,

I am writing on behalf of Project South in regards to residents of your city who are wrongfully being denied basic utility services. It is our understanding that the City of Florence is requiring applicants to produce a U.S.-issued photo ID and Social Security Number in order to obtain basic utility services. This is not mandated by local ordinance or state law and likely violates federal law.

Your policy of requiring documents such as a U.S.-issued photo ID and Social Security Number for the provision of utility services violates two different federal laws. First, § 7 of the Privacy Act of 1974 prohibits the denial of any “right, benefit, or privilege” from a local government on the basis of individuals’ refusal to disclose their Social Security Number. 5 U.S.C. § 552a. There are currently no federal regulations which require or permit the collection of Social Security Numbers for the provision of utility services; as a result, your city’s refusal to provide water services to an individual based on the absence of a Social Security Number is in direct violation of the Privacy Act.

Second, refusing to provide water services based on the inability to provide a particular form of identification likely violates the federal Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, which prohibits policies or requirements that have the purpose or effect of discriminating in the "provision of services or facilities in connection" with housing on the basis of race, color, national origin, religion, sex, familial status, and disability. *Id.* § 3604(b). Because the vast majority of residents who lack a Social Security Number are noncitizens, your requirement of a Social Security Number, as well as your refusal to accept valid "foreign" identification documents, has a disparate impact on individuals of a particular race or national origin. Such a policy therefore constitutes unlawful discrimination under the Fair Housing Act. *See Id.*; *see also, e.g., Central Alabama Fair Housing Center v. Magee*, 835 F. Supp. 2d, 1165, 1196 (M.D. Ala. 2011).

More information about the Fair Housing Act and its requirements are available on the website of the U.S. Department of Housing and Urban Development, [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/FHLaws/yourrights](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/yourrights).

We ask that the City of Florence review the relevant requirements for providing services, revise relevant policies and documents, and inform city employees of proper requirements to ensure that all residents have access to essential utilities. We expect to hear from you by Thursday, June 21, about the steps you have undertaken in this regard.

If you have any questions, you may contact me at: 404-622-0602. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Azadeh N. Shahshahani". The signature is fluid and cursive, with a long horizontal stroke at the end.

Azadeh N. Shahshahani, Esq.  
Legal & Advocacy Director