



**POLICY FOR**

# LOCAL PROGRESS

**Case Studies & Best Practices  
from Around the Country**

2019

As **Local Progress** celebrates our 8th year, we are delighted to share this updated version of our policy brief publication, a resource which we hope is helpful for our members across the network. We are grateful to the following allied organizations for co-authoring this policy book with us. Their substantive expertise and commitment to working with local elected officials to promote progressive public policy are incredible assets to our movement and our country.



### **ABOUT US**

Local Progress was founded in 2012 to connect local elected officials to help replicate progressive policy across cities by sharing innovative ideas and best practices; to provide training on how to govern most effectively; and to impact the national discourse by coordinating and elevating innovative municipal work across the country.

### **OUR VISION**

Our network is made up of hundreds of local elected officials from around the country who are united in their commitment to shared prosperity, equal justice under law, livable and sustainable communities, and good government that serves the public interest. We are building a strong piece of movement infrastructure that can help advance a wide array of priorities at the local level and help transform national politics and policies in the years and decades ahead.

In an era when conservatives control too many of state governments and too much of Washington, DC, we know that localities can and must work together to push our country in a new and exciting progressive direction. This is both the promise and the immensity of the task before us.

### **CENTER FOR POPULAR DEMOCRACY**

Local Progress is a project of the Center for Popular Democracy (CPD). CPD works to create equity, opportunity and a dynamic democracy in partnership with high-impact base-building organizations, organizing alliances, and progressive unions. CPD strengthens our collective capacity to envision and win an innovative pro-worker, pro-immigrant, racial and economic justice agenda.



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# INTRODUCTION:

## *Embracing a Racial Equity Approach*

We believe that public policy can be a tool for advancing equity and justice. However, we also acknowledge that the public policy making process on most every issue—from land use and zoning to policing, education and voting access—has perpetuated racial inequality in our country whether through malicious intent to exclude communities of color or as the impact of race-blind policy making.

The policy briefs in this book cover a range of ideas for communities: from strengthening worker rights and protections, improving public education, expanding transportation and increasing the supply of affordable housing to supporting small businesses, implementing community benefit agreements and more. The framework outlined below focuses on getting to results, but it's not sufficient without a racial equity lens that focuses on addressing inequities. In addition to this analysis, we encourage you to add to this framework: examine community engagement practices to ensure broad, equitable and substantive engagement; analyze budgets for unequal or discriminatory funding allocations; and grapple with bias and barriers in institutions and governmental structures that put communities of color at a disadvantage to influence outcomes.

The larger institutional ecosystem must be part of the solution in order to fight decades and centuries of systemic racism; long-term policy change requires the input and participation from city, non-profit, philanthropy, community based organizations and others. Most importantly, a racial equity approach to policy begins at the visioning process, continues during the planning process, and continues through implementation and policy evaluation.

### **USING A RESULTS-BASED ACCOUNTABILITY (RBA) FRAMEWORK**

The Government Alliance on Racial Equity (GARE) describes “Results-Based Accountability™ (RBA) as a tool that starts with the desired results and works backwards towards the means, to ensure that your plans

work toward community results with stakeholder-driven implementation. This disrupts historic patterns of “doing what we’ve always done, because we’ve always done it that way.”<sup>1</sup> The framework has seven steps and the first four comprise the data analysis: desired results, envisioning what the result looks like, identifying the appropriate community indicators and analyzing the data. Steps five, six and seven emphasize selecting appropriate community partners, identifying how to shift the overarching data trends towards racial equity, and selecting a starting place.

Applying a racial equity lens to the RBA framework helps illuminate and surface currently existing discrimination and structural disparities at play in the community. It also helps ensure that changes do not perpetuate inequities.

**INDICATORS AS MEASURES OF STRUCTURAL RACISM:** After articulating population wide results, the framework requires identifying community indicators to measure results, and then focusing on the key activities and consequent performance measures of various programs, activities, functions and agencies.

Picking indicators where longitudinal data is available helps show comparisons (and long-standing structural inequities) for communities of color over time. In getting to the root of why something is inequitable, it is important that indicators not be constructed or determined in a mindset that assumes certain behaviors among communities of color lead to inequitable outcomes, otherwise known as “deficit thinking.” Instead, the conclusion should be that discrepancies are driven by deeper structural racism in the system.

An example of deficit thinking would be to assume that worse health outcomes for those in poverty come from poor eating habits instead of a lack of access to fresh, healthy, affordable food options. The indicators in this scenario would include unemployment rate, the percentage of students who receive free and reduced lunches, or academic achievement rates.

Community indicators crystalize the need for change because, when aggregated and analyzed, they highlight vital disparities and systemic inequities at a community level population. It is essential to identify the appropriate indicators so that the data will surface community inequities and future progress made to eliminate them.

- An example of a community indicator could be the level of asthma rates between Black and White children, which is connected to air quality in different parts of a community, as well as exposure to toxic waste. **Oakland, CA** is one place where this has been well-documented.<sup>2</sup>

**RBA FRAMEWORK: HOMELESSNESS** Maybe there is a desire, or policy goal, to eliminate homelessness in your locality. The first step in an RBA framework is to develop a positive statement that articulates the desired outcome for all residents. Note the difference between the following two statements We want all families and individuals to be housed vs. “we want to eradicate homelessness.” These are statements have different outcomes.

How would it look if we eliminated homelessness? The RBA framework asks what the vision and solution would look like for everyone: “All people in our community are able to afford and access safe quality affordable housing in the area they choose to live.”

Next, it is important to identify community indicators that will prove progress towards this desired result. Specifically, a racial equity analysis tool helps define root causes of homelessness, and how those realities disproportionately and negatively impact people of color, to avoid a racially inequitable outcome. Examples include:

- Given that eviction is a primary contributor to housing instability and homelessness, particularly for communities of color, a higher eviction rate for African American residents means that they are disproportionately impacted and are more likely to be homeless or at risk of becoming homeless. Analyzing eviction rates by demographic, over time, could be helpful in understanding disparities in the homelessness crisis. Understanding why eviction rates might be higher for people of color, as a root cause of homelessness, is also critical.
- To help understand inequalities in housing and homelessness may relate to understanding poverty. People of color, particularly women, may work in lower-paid jobs, therefore having less ability to access housing in the city. Analyzing job availability, a lack of access to job training programs, higher education and lower average salaries in a given locality may provide a better understanding of wage and earning disparities for people of color in communities. Again, understanding root causes should be disconnected from “deficit thinking” and assumptions.

**RBA: AFTER THE DATA ANALYSIS** Organizations and allies, along with community, are vital partners for systems change. The alliance should be selected for strategic reasons: each partner should bring unique perspectives to build a complete understanding of inequities and solutions. This group of stakeholders is responsible for moving from data analysis to ideas and brainstorming ways to create the systems change. This space is a valuable opportunity to do two things: 1.) consider which policies currently reinforce structural racism and 2.) identify new programs or evidence-based pilots that would address the root causes of a community’s most significant challenges .

Finally, there is the practical question of where to start. GARE’s **Racial Equity Action Plan** manual emphasizes the key components of this process and how to make that individual assessment. We strongly encourage policymakers to review for next steps beyond the RBA framework. Below, in the tradition of Local Progress, we highlight a few inspiring examples of how cities are working to realize a commitment to racial equity.

### **IN ADDITION TO RBA: CITY EXAMPLES**

**COMMUNITY ENGAGEMENT:** The results-based accountability framework incorporates a comprehensive community engagement process to imagine what a truly equitable and desired result would mean for the most vulnerable and systematically oppressed among us. The **Minneapolis 2040** planning process, although imperfect, is an appropriately instructive example.

The city grounded their planning process in the community through a robust effort to solicit widespread engagement from start to finish, which included the creation of a Civic Engagement Plan to help ensure efficiency and transparency. This commitment to community engagement produced a clear need for a long-term vision of the city grounded in racial equity that could begin to address past historical injustices. The result of this engagement was a city plan whose goals included: eliminating disparities, creating affordable and accessible housing, and fostering a healthy, safe and connected populace, to name just a few.

In many cases, growth and economic development intentionally leave people behind, particularly communities of color. Historically, many communities have been left out of decision-making and deprived of the ability to build wealth. Minneapolis acknowledges that there were systemic and racist barriers which they must address to move forward, creating a vision of their city that is for everyone. The Minneapolis 2040 plan, both in creation and design, offers a compelling case for cities seeking to realize similar commitments to equity and justice for their communities.



**BUDGET AND FUNDING ALLOCATIONS:** Budgets are more than just numbers; they are moral documents. While they could potentially advance a vision for community investment and equity, they more often perpetuate existing oppression and resource scarcity simply by how government chooses to spend its resources. Not a single community is exempt from a history of funding: patterns of neighborhood health and vitality clearly demonstrate the impact of structural racism. Whether through redlining, zoning for environmental hazardous waste plants or transit corridors that cut through or completely cut off communities of color, funding priorities and decisions have shaped our history as much as they will continue to shape the future unless we address boldly address them in policymaking.

Of even greater consideration, policy decisions intentionally deprived people of color of the ability to build wealth in their communities. Housing is traditionally the best way to build generational wealth and in recent years, deregulation has resulted in devastating financial outcomes as predatory financial institutions offered high-risk loans to people of color, and foreclosed en mass during the Great Recession.

In the spring of 2019, the **City of Durham** finalized their FY 2020 budget. The most difficult and controversial topic in this year's budget was a request by Chief Davis and the Durham Police Department for 72 additional patrol officers over the following 3 years. While the City Manager modified this request for 2019 to 18 officers, it was the city council who decided not to include any funding for additional officers in the final budget. Their rationale was that the Durham community has over-invested in policing and incarceration at the same time it has under-invested in housing, jobs, education, health. This punitive investment strategy has a devastating impact on communities of color, across the country, and study after study shows that it is not successful in reducing crime and increasing safety.<sup>4</sup>

Instead, Durham chose to invest in living wages for part-time city workers, expungements and drivers license restoration with the DEAR program for returning residents, eviction diversion through Legal Aid, and support for residents returning home from incarceration through its "Welcome Home" program. Shifting funds from criminalization and incarceration infrastructure, primarily directed at communities of color, recognizes the long-standing inequitable investments for people of color and helps make entire communities stronger and safer.<sup>5</sup>

**GOVERNMENT STRUCTURES AND INSTITUTIONS:** Healing Informed Governance for Racial Equity is an important practice to help address the root causes of inequity and division in communities. Supported by Race Forward, this innovative practice resulted from an innovative multi-sector partnership in Salinas, CA. The model combined racial healing with systemic equity, helping to ensure widespread and shared understanding around how race impacts members of the community in vastly different ways. Of equal importance, it built a joint process for the work that helped in building a collective sense of "we," which was led by both city government and community advocates.<sup>6</sup>

Women and people of color face real and constant barriers to access when it comes to occupying positions of power and authority. Frequently denied a seat at the table, and pathways through which to access those seats, the very interests that direct resources and determine priorities are skewed in favor of certain neighborhoods and interests. Often this has an inequitable impact across race.

In the past decade, local governments began to establish offices of racial equity or race and social justice initiatives to focus on closing equity gaps in their cities. The **Seattle Racial and Social Justice Initiative (RSJI)**, established in 2005, focuses on realizing the city's vision for racial equity and eliminating institutional racism. The city is committed to addressing institutional racism, structural racism, and institutional racism. Their racial equity toolkit can be found online.<sup>7</sup> **Austin** partnered with GARE to establish their office of racial equity, focusing on tackling institutional racism and implicit bias and creating a culture of equity to meet the needs of all residents.<sup>8</sup> **San Francisco** expects to vote on creating an office of racial equity in late summer 2019.

Finally, localities should conduct an analysis of the current policies and internal operating procedures (hiring, recruiting, revaluation) for city institutions, specifically when it comes to recruitment, hiring, evaluation and internal promotions. City level procedures and processes should undergo evaluation to help ensure robust public feedback and comment opportunities, across the jurisdiction. Staff should all receive training and professional support for implicit and unconscious biases. Staff spaces for collaboration should be designed to ensure all staff feel supported in speaking up.

There are a number of expert organizations who lead in this work.<sup>9</sup> This introduction summary is heavily

based on many of them. For many, particularly communities of color, policies have long existed to exclude and oppress. The centuries of deprivation result in vast inequalities and poverty today. All policy decisions should begin with a population wide result and vision, the specific solutions and ideas come later, and should be a product of a group of stakeholders who together assess the viability and opportunities of ideas and specific policies. The RBA framework with an equity lens should challenge conventional assumptions and long-standing practices around resource allocation, bias and power in government institutions, and unique barriers that exist for people of color.

# ABORTION ACCESS

## THE PROBLEM

Abortion is a safe, legal, and common medical procedure—by age 45, one in four women will have had an abortion.<sup>1</sup> Yet anti-choice state legislators have passed nearly 500 anti-abortion laws in this decade alone, including a total of 27 abortion bans across 12 states in 2019.<sup>2</sup> These policies have led to the unnecessary closing of well-regulated and safe abortion clinics, made abortion care more difficult to access in a number of ways including by banning insurance coverage, and placed unnecessary regulations on the procedure itself. Such restrictions fall hardest on low-income women, women of color, young women, and trans and gender non-conforming people.

## THE SOLUTION

Women, trans men, and other people who can become pregnant all deserve the right to access the abortion care they need with dignity and respect. As centers for abortion access, serving their own residents as well as those who may travel hours to access safe abortion care, cities have the opportunity and responsibility to protect reproductive health and ensure that abortion care remains safe and legal. Officials at the local level can demonstrate their commitment to this important principle by passing policies that protect reproductive rights and expand access to reproductive health care, including abortion.

## POLICY ISSUES

**PROVIDE LOCAL FUNDING OF ABORTION:** Many people who have decided to have an abortion struggle to pay for the procedure. Some are uninsured, while others are unable to use their insurance coverage due to confidentiality concerns or because their insurance is barred from covering abortion by state or federal law. Cities can ensure that someone can make the choices about her reproductive health and future that are right for her, regardless of how much money she has. In New York City, the City Council allocated \$250,000

to support the city's local abortion fund, the New York Abortion Access Fund (NYAAF), becoming the first city to fund abortion directly.<sup>3</sup> Abortion funds are community-based organizations that provide financial assistance and practical support to people seeking abortion care who are otherwise unable to afford it. In Texas, the **Travis County** Board of Commissioners provided abortion coverage for low-income residents at three abortion clinics using funding from local sources of revenue until barred by a new state law.<sup>4</sup> Other localities have allocated funding to cover the cost of abortion for people in the city's foster care system or set aside annual funding in the local hospital's budget to offer a limited number of subsidized abortions to residents.<sup>5</sup>

**CREATE A SUPPORTIVE CULTURE FOR REPRODUCTIVE HEALTH DECISIONS:** Women, trans men, and all people who can become pregnant should be able to access safe abortion care without encountering harassment or experiencing shame and discrimination. Anti-choice demonstrators that physically obstruct access to clinics and intimidate patients make visiting a clinic a hostile experience for many. By tailoring local ordinances to their particular clinic environment, lawmakers can create policies that balance the free speech rights of protestors with the rights of patients and providers to enter clinics without fear. There are a range of models for clinic protection. The **Pittsburgh City Council** enacted a buffer zone ordinance that establishes a 15-foot zone around the clinic in which no one may congregate, patrol, demonstrate, or picket.<sup>6</sup> Noise ordinances in **West Palm Beach, FL**<sup>7</sup> and **Charlotte, NC**<sup>8</sup> prohibit the use of sound amplification or loudspeakers near health care facilities to protect patients from assaultive noise harassment as they sit and receive treatment inside the clinic. **Columbus, OH**<sup>9</sup> has a clinic access law that strengthens penalties for protestors who follow and harass or block patients, providers, or volunteers within 15 feet of the clinic, and **Charleston, WV**'s law forbids people from blocking a health facility's entrance or exit and from advocating a message or pro-



viding a pamphlet within 8 feet of someone near the entrance of the clinic.<sup>10</sup> In **South Bend, IN**, the mayor vetoed an attempt to rezone a residential property next door to an abortion clinic, in order to prevent an anti-abortion pregnancy center from opening there and disrupting public safety.<sup>11</sup>

**ENSURE ACCESS TO UNBIASED INFORMATION:** Anti-abortion pregnancy centers are facilities that pose as legitimate medical centers but instead use a range of deceptive practices to prevent them from obtaining abortions. These anti-abortion pregnancy centers often open very close to an abortion clinic with the goal of intercepting women seeking abortions or near college campuses or other neighborhoods where people may face high rates of unintended pregnancy.<sup>12</sup> Cities can act to educate residents about the type of facility they are entering and to help them find qualified medical professionals who can provide them with accurate information and trustworthy medical care. **Hartford, CT**'s ordinance requires anti-abortion pregnancy centers to disclose whether there is a licensed medical provider on site providing or supervising the services offered there.<sup>13</sup> **San Francisco** prohibits anti-abortion pregnancy centers from making misleading statements or posting deceptive advertisements about their services.<sup>14</sup> **Dane County, WI** will only contract for reproductive health services from facilities that provide county clients with comprehensive, non-directive healthcare information.<sup>15</sup> Cities should also consider a public awareness campaign that informs residents of where they can access comprehensive reproductive health care, including abortion, and educates them about anti-abortion pregnancy centers. Cities located in states where extreme abortion bans have been passed should ensure that residents know that these laws are not in effect and abortion is still legal and accessible in their city.<sup>16</sup>

**PASS A LOCAL RESOLUTION SUPPORTING REPRODUCTIVE RIGHTS ON THE STATE AND FEDERAL LEVEL:** Resolutions and proclamations are important tools for cities and counties that want to raise their voices on an important local, state, or national issue, educate the community, or set the stage for future policy work. **Durham County, NC**,<sup>17</sup> and **Pittsburgh, PA**,<sup>18</sup> passed resolutions calling for an end to bans on abortion coverage in their states as well as on the federal level, providing an opportunity to educate community members on the existence and impact of these bans. In **Oakland, CA**, the City Council passed a resolution opposing sex-selective abortion bans; such bans are framed as combating sex-discrimination but rather are designed to intimidate abortion providers and limit abortion access by amplifying and reinforcing harmful stereotypes about Asian-Americans.<sup>19</sup> The **Atlanta, GA** City Council passed a resolution opposing the state's six-week abortion ban.<sup>20</sup>

Every year, March 10th marks Abortion Provider Appreciation Day, and a city could consider officially recognizing that day with a proclamation of support for providers.<sup>21</sup>

## LANDSCAPE AND RESOURCES

The **National Institute for Reproductive Health (NIRH)** provides direct funding and strategic guidance to local reproductive health, rights, and justice advocates and officials working to create change from the ground up and can connect officials with a range of local reproductive rights and justice organizations as well as policy and messaging resources. **All\* Above All** provides support to organizations and individuals in cities working to lift policies that ban insurance coverage of abortion and to fund abortion care. The **National Abortion Federation** and **Feminist Majority Foundation** provide information and support for abortion access initiatives, particularly related to safe clinic access and buffer zones. **The Equity Agenda** provides policy resources and technical assistance to municipally elected officials to achieve gender equity in their communities.

*Co-authored by*



# ACCESS TO HEALTHY FOOD

## THE PROBLEM

Accessing affordable, high-quality, healthy food is a challenge for many Americans, particularly those living in low-income neighborhoods, communities of color, tribal communities, and rural areas. The U.S. Department of Agriculture estimates that 29.7 million people live in low-income areas more than 1 mile from a supermarket. The same communities without supermarkets and grocery stores often feature fast food, liquor, and convenience stores selling unhealthy, high-fat, high-sugar foods. Low-income zip codes have 25 percent fewer supermarkets and 1.3 times as many convenience stores as middle-income zip codes. Predominantly Black zip codes have about half as many supermarkets as predominantly White zip codes, and predominantly Latino areas have only a third as many. Nearly one-third of the U.S. population cannot easily access a grocery store, work, or other basic personal and family needs via personal or public transportation. Accessing healthy food can mean multiple bus rides while carting groceries and children or scrambling to find someone with a car who is willing to drive. The absence of healthy food retailers doubly impacts low-income communities because these areas are often in great need of the jobs and economic activity that grocery stores and healthy food retail can provide.

## THE SOLUTION

Over the past 20 years—with more than 300 studies completed—research shows that people who live in neighborhoods with access to healthy food also tend to have better nutrition and better health. Efforts to expand fresh food options also provide opportunities to bring good neighborhood jobs and revitalize disinvested communities and struggling business districts. Working with residents and community partners, local governments have pursued a number of strategies that improve both the economic and physical health of cities and their residents. Promising strategies include healthy food retail financing initiatives and incentives, targeted land use and planning regulations, local procurement, and entrepreneurship development.

## POLICY ISSUES

**HEALTHY FOOD RETAIL FINANCING:** Healthy food retail such as grocery stores, corner stores, and farmers' markets provide important access points for a neighborhood. However, they are complex, capital-intensive businesses that operate on thin profit margins. Retail operators cite lack of financing as one of the top barriers to the development of stores in underserved areas, particularly for independent and regional operators who are more likely to consider locating their business in a disinvested community. High development costs, competition with chain stores, and meeting local customers' needs are also factors in the success of a retail endeavor.

Building upon the success of state and federal programs like the Pennsylvania Fresh Food Financing Initiative (FFFI) and the Healthy Food Financing Initiative (HFFI), a number of cities and metropolitan areas have launched their own local healthy retail financing programs. **Houston, Washington DC, and New Orleans** have all created programs to expand or incentivize healthy food retail development in target neighborhoods. In **Baltimore**, the city council recently approved legislation to offer 10-year tax incentives to attract and retain supermarkets located in or nearby designated food desert areas. **Los Angeles** and **Minneapolis** have also initiated programs to help corner stores, convenience stores and liquor stores convert into healthy food retail outlets.

**LABOR PROTECTIONS:** Cities that provide financial incentives for new or redevelopment of food retail establishments in underserved communities can require the beneficiary employers to commit to high-road principles which set labor standards ensure good jobs. Public investment creates a proprietary interest; as potential stakeholders, municipal governments have the authority to place conditions on their investment to ensure economic viability and long-term success. Examples include:

- **Living wage & benefits.** Requiring that workers earn a living wage that includes employer-covered benefits. Wages vary by area, as in **Los Angeles**.<sup>1</sup>

- **Labor peace.** requiring employers to sign a labor peace agreement with relevant unions in which the employer generally agrees to card check neutrality and workplace access in exchange for the union agreeing not to strike or otherwise disrupt business operations. **New York City** has such a requirement in place.<sup>2</sup>
- **Targeted & local hire.** requiring that a certain percentage of the workforce comes from the community in which the project occurs, as well as prioritizing workers who suffer from certain barriers to employment such as the formerly incarcerated, women, or low-income residents, as in **New Orleans**.<sup>3</sup>
- **Job training.** Requiring the provision of job training opportunities for workers, including both soft and hard skills, as advanced in Chicago.<sup>4</sup>
- **First source hiring.** Job postings must open for a certain period of time for the exclusive consideration of local and targeted prospective employees, as in Washington, DC.<sup>5</sup>

**DISTRIBUTION AND SUPPLY CHAIN:** Agricultural and market consolidation has contributed to disconnected regional food supply chains, making it difficult for fresh produce grown by small and mid-sized local farms to reach independent grocers, institutional buyers, and low-income residents in greatest need. New models such as “food hubs,” which aggregate, distribute, and market food from local and regional producers, are emerging to link local producers and consumers in ways that spark job creation and small business development. Based in **Philadelphia**, Common Market has emerged as a regional food hub, connecting farmers to more than 150 public and private schools, colleges, universities, hospitals, workplaces, grocery stores, nonprofits, and faith institutions throughout the Delaware Valley. **Cleveland** worked with health care and education and foundation partners to launch the Evergreen Cooperative, including the Green City Growers Cooperative that supplies fresh produce to the city’s major retailers, wholesaler, and institutions. The city of **Los Angeles** and **Los Angeles Unified School District** both adopted the Good Food Purchasing Program, a set of values-driven purchasing guidelines created by the Los Angeles Food Policy Council. In addition to cost, food contracts are evaluated on the following standards: local economic impact, environmental sustainability, valued workforce, animal welfare, and nutrition.<sup>6</sup> The policy has also been adopted in **San Francisco** and **Oakland**.<sup>7</sup>

**PLANNING AND TRANSPORTATION BARRIERS:** In addition to the transportation challenges described above, many existing zoning and planning regulations make it difficult for farmers’ markets, mobile vendors, community and urban gardens, and grocery stores to locate in an underserved community.

Cities can take action to remove these barriers and expand food access. In Minnesota, the city of **Duluth** and the **Duluth Transit Authority** created the “Grocery Express,” new bus route that connects neighborhoods without access to fresh and healthy food to a network of nearby grocery stores. In Tennessee, **Knoxville’s** area transit agency created the “Shop & Ride” program, which offers free return bus tickets for customers making a minimum \$10 purchase at partnering grocery stores. **Fresno** and **Minneapolis** removed zoning restrictions that prohibit farmers’ market development, and **New York City’s** Green Cart initiative authorized thousands of new permits for street vendors, many of them immigrant entrepreneurs, to sell healthy food options in low-income neighborhoods. Cities have also supported urban agriculture by identifying and providing land and resources, such as city of **Seattle’s** efforts to inventory public land available for community gardens, and programs in **Madison, Cleveland, and Boston** that offer grants for start-up and operation costs related to urban agriculture projects.

**COMMUNITY ENGAGEMENT:** Engaging community and food system stakeholders is critical to ensuring that healthy food access projects are responsive to the needs and context of a neighborhood. Key stakeholders may include community organizers and resident leaders; food access organizations; industry, government, and policy leaders; financial sector representatives; community development and public health workers. Hundreds of cities have launched food policy councils to coordinate policymaking efforts, garner high-level political support, and conduct activities designed to solidify community backing. Visit the Food Policy Council Directory to learn more.

### **LANDSCAPE AND RESOURCES**

Visit the **Healthy Food Access Portal**, a one-stop online hub of data, information, and resources to support the successful planning and implementation of policies, programs, and projects to improve access to healthy foods in low-income and communities of color. The Portal is managed by **PolicyLink**, **The Food Trust**, and **Reinvestment Fund**. **Access to Healthy Food and Why it Matters** compiles and reviews the latest research on the health, economic, and community impacts of healthy food retail. **Economic and Community Development Outcomes of Healthy Food Retail** details the connections between healthy food retail and economic and community development outcomes.

*Co-authored by PolicyLink  
& the United Food and Commercial Workers*



# ADDRESSING VIOLENCE AGAINST WOMEN & GIRLS

*“And finally, to girls everywhere, I am with you. On nights when you feel alone, I am with you. When people doubt you or dismiss you, I am with you. I fought everyday for you. So never stop fighting.”*

—Stanford Survivor

*“Our culture continues to ask the wrong questions: What were you wearing? Why were you there? What did you say? How much did you have to drink? Instead of asking: Why did he think he had a license to rape?”*

—Joe Biden

## **THE PROBLEM**

In localities and college campuses throughout the United States, survivors of sexual and domestic assault are put at a legal disadvantage because laws are not written in a way that corresponds with the emotional and physical ramifications of gender-based violence. In the face of state and federal gridlock, municipal leaders have the power to make a difference. According to recent studies by the National Alliance to End Sexual Assault, nearly 1 in 5 women survive a sexual assault sometime during their life. The National Network to End Domestic Violence found that 1 in 3 women have experienced either sexual or domestic abuse in the United States. While those statistics are staggering, laws written to provide protections from gender-based violence have stalled in many legislatures. Municipalities have the ability address gender-based violence and put pressure on state governments to enact real reform.

## **SOLUTIONS**

When children are provided with education about healthy relationships, especially when they do not have good role models at home, they are better positioned to successfully avoid violence as adults. In order to protect

victims, especially those on college campuses, affirmative consent laws remove the ambiguity that many assailants take advantage of. And the circumstances a survivor faces can be addressed by removing the barriers associated with prosecuting a physical or sexual assault.

The Rape, Abuse and Incest National Network have developed recommendations for how municipalities can deter gender-based violence. These reforms address the unique circumstances asso-

ciated with gender-based violence while taking into account the legal authority of most municipalities:

**ENCOURAGING K-12 EDUCATION ON SEXUAL ASSAULT:** Known as Erin’s Law, county and local municipalities can pass resolutions that encourage or require school district to address sexual assault by: 1) Teaching students in grades pre-K–12th grade age-appropriate techniques to recognize child sexual abuse and tell a trusted adult, 2) Training all school personnel about recognizing child sexual abuse, 3) Educating parents & guardians about the warning signs of child sexual abuse, plus needed assistance, referral or resource information to support sexually abused children and their families. Erin’s Law has currently been passed in 26 states and resolutions have passed in **Dowington** and **Honey Brook**.

**EMPLOYER-PROVIDED LEAVE FOR SURVIVORS:** Referred to as “Safe Days,” employer-provided leave can either be paid or unpaid. If a survivor needs to get to court and or move, “Safe Days” secure his or her ability to maintain employment while dealing with the ramifications of an assault. Circumstances that are specific to

an assault may warrant that a survivor needs to avoid his or her place of employment—especially if their assailant is aware of where they work. Employer-provided leave can give survivors the security necessary to avoid their assailant.

**RESTRICTING THE EVICTION OF SURVIVORS:** In many cases, survivors of either sexual or domestic violence are afraid of their losing their housing while filing charges against their assailant. Landlords may file eviction proceedings against tenants in the case of domestic disturbance or unpaid rent by exercising a nuisance clause in the lease. Municipalities can thwart eviction of survivors by passing laws like those that provide for a responsible way for a survivor to stay in their home. Dowingtown and Honey Brook mirrored changes in Pennsylvania state law in 2014.

**SUPPORT AFFIRMATIVE CONSENT:** Often called “Yes Means Yes,” affirmative consent laws take the ambiguity out of an assault by providing all parties a clear understanding of what warrants consent. Many sexual assaults are not prosecuted or reported because the circumstances do not meet the outdated and unsafe threshold required in “No Means No.” While many assaults happen with or around alcohol, these laws makes sexual contact illegal for individuals who lack the capacity to consent.

**STAKEHOLDER COLLABORATION:** Many counties or municipalities have crisis centers and domestic violence shelters. One useful mechanism for combating gender-based violence is a sexual and domestic assault committee that brings law enforcement, prosecutors, advocates, survivors, and policy makers to the same table. Most effective is to host a sexual and domestic assault committee at the crisis center or local equivalent.

## ***LANDSCAPE AND RESOURCES***

**The Rape, Abuse and Incest National Network** provides policy recommendations that deal with sexual violence and sex abuse education training. **The National Network to End Domestic Violence** updates stakeholders on policy proposals being pushed that support and protect survivors.



# CIVIL ASSET FORFEITURE

## **THE PROBLEM**

Under civil forfeiture practices, law enforcement officers can seize and keep people’s personal property—for example, their homes, cars, and cash—based on the mere suspicion that the property is in any way connected to a crime. In many states, asset forfeiture laws enable police departments to keep the majority or entirety of the seized property, creating a perverse incentive for law enforcement to steal from innocent people.

Evidentiary standards for acquiring property are low, allowing law enforcement to seize and withhold property without necessarily producing proof of a connection between the property and crime in question. Asset forfeiture laws provide local law enforcement with financial incentive to take advantage of people and to “police for profit,” padding their department budgets with capital taken from innocent individuals.<sup>1</sup> This process threatens citizens’ constitutional rights to due process and property, and when abused by local law enforcement, undermines the department’s ability to protect and serve in their intended capacities. It is important to note that not all property goes through formal legal proceedings, so the full amount of property that is forfeited due to bureaucratic hurdles and lack of oversight may not be fully transparent in many jurisdictions.

One way that many local police departments benefit directly is through their participation in the “Equitable Sharing Program,” a program of the Department of Justice (DOJ).<sup>2</sup> The program creates a legal loophole for state and local law enforcement agencies by allowing them to prosecute some asset forfeiture cases under federal law and permitting local law enforcement departments to keep up to 80 percent of seized property.<sup>3</sup> Under the Obama Administration, then-Attorney General Eric Holder announced restrictions on some federal asset forfeiture practices, but in July 2017, Attorney General Jeff Sessions rolled back these restrictions, reviving the Equitable Sharing Program.<sup>4</sup> Civil forfeiture practices have a disproportionately negative impact on

communities of color. In 2015, the *Washington Post* reported that **Philadelphia’s District Attorney’s Office** seized more than \$2.2 million annually.<sup>5</sup> The Institute for Justice drew a parallel between the city’s forfeiture policies and the practice of “stop-and-frisk,” noting that both policies disproportionately affect young black and Latino men.<sup>6</sup> In 2015, black people made up 44 percent of Philadelphia’s population, yet accounted for two-thirds of all forfeiture cases.<sup>7</sup> The intended purpose of most asset forfeiture laws is to fight large-scale drug operations and organized crime by stopping some of their cash flow. However, the ACLU found that in Philadelphia, the average amount of cash seized under civil forfeiture laws was \$192, and only one in ten amounts are greater than \$1000.<sup>8</sup>

## **THE SOLUTION**

In order to prevent police from “policing for profit,” states and local government must first eliminate the financial incentives for police forces that come with civil forfeiture and improve property rights and protections for residents. Second, law enforcement operations must be held to a high standard and under a strict burden of proof to justify any acquisition and withholding of property. In 2012, the ACLU settled a class action lawsuit against **Shelby County and Tenaha (TX) Police Department** ending the “interdiction program”<sup>9</sup> in Shelby County. As a result of the settlement, Shelby County police are being held more accountable at traffic stops in Tenaha. Among the reforms following this suit, no property may be seized during a search unless the officer first gives the driver a reason for why it should be taken, and all property improperly seized must be returned within 30 business days.<sup>10</sup>

A bipartisan bill was proposed in the Pennsylvania State Legislature that would require all cash seized through forfeiture to go to the state’s general fund rather than the district attorney’s office. It would also require that a person be convicted of a crime before law enforcement officials could permanently keep seized property.<sup>11</sup>



The bill has passed the state senate, but with alterations that the Pennsylvania ACLU claims “fail to reform the practice of civil asset forfeiture in any way.”<sup>12</sup> While the final legislation in Pennsylvania may not be ideal, the language in the initial bill is a model for civil asset forfeiture law reform.

In **Washington, DC**, the Civil Asset Forfeiture Amendment Act of 2014 bans adoption of seized property by the federal government through equitable sharing and requires that property seized from joint task forces (between local law enforcement and federal law enforcement) be directed to the city’s general fund.<sup>13</sup> This makes D.C. a strong, progressive model for cities. Additionally, the DOJ has made a legal requirement, with few exceptions, that local law enforcement agencies continuing to participate and profit from equitable sharing must only spend the money on law enforcement purposes. State and local governments should make it a legal requirement that any assets seized through forfeiture be directed to the state and city general fund.

The **New York City Police Department (NYPD)** was forced to alter its property seizure processes after it was sued in federal court for the unconstitutional practice of retaining seized property. According to the lawsuit, the NYPD had “imposed convoluted procedures making it virtually impossible for many people to get this property back.”<sup>14</sup> The legal office which filed the case on behalf of low-income New York City residents has stated that the NYPD agreed to “comply with clear rules regarding the seizure and return of property; provide people with notice on how to retrieve their property; train and supervise NYPD personnel concerning these mandates; conduct audits to ensure compliance; and submit to ongoing court jurisdiction.”<sup>15</sup>

Because the delegation of civil forfeiture power to local law enforcement departments is primarily based in state law, best practice recommendations are primarily for the states.

Best practices for state and local law-enforcement agencies with forfeiture powers:

- Mandate the tracking and reporting of forfeiture activity, including the type and value of property seized and every purchase made with forfeiture revenue.
- Law enforcement, operating under a strict burden of proof, should be required to demonstrate a clear and strong connection between property being seized and the criminal activity of the property owner. If they cannot demonstrate this, the property must be returned in a timely manner. Currently, there is no need for a criminal conviction in order for law enforcement to legally seize property.
- Citizens must be given prompt hearings in which they are given the opportunity to ask a judge to return their property.
- Civil forfeiture revenue should flow into the city or county general fund, or another public fund, such as one for education.

- Lawmakers must introduce legitimate protections in line with existing Constitutional securities for property owners. State and local law enforcement should have to prove that the owner consented to or had knowledge of the crime that led to the seizure of their property.

## **LANDSCAPE AND RESOURCES**

The **Justice Institute’s** *Policing for Profit* toolkit, published in 2015, was the main source of information for this brief. The **ACLU** has also done work on asset forfeiture.

# EQUALITY AND EQUITY FOR TRANS, NONBINARY, AND GENDER NONCONFORMING PEOPLE

## **THE PROBLEM**

Transgender, nonbinary, and gender nonconforming people uniquely and disproportionately experience a host of social, health, and economic ills, including violence, criminalization, discrimination, lack of health-care access, poverty, homelessness, and many others.<sup>1</sup> Because of high levels of employment and education discrimination as well as difficulty in accessing identity documents that accurately reflect their gender identity, accessing the formal economy is difficult. Trans, nonbinary, and gender nonconforming people are disproportionately unemployed and/or must resort to underground economy work.<sup>2</sup> This includes practices such as sex work. The criminalization of this type of work along with frequent discriminatory policing of survival crimes, such as sleeping outside, loitering, and fare evasion, has led to high incarceration rates and police violence.<sup>3</sup> Trans, nonbinary, and gender nonconforming people also experience high rates of addiction and mental health issues.<sup>4</sup> Because of how racism and sexism intersect with transphobia, trans women of color are the most vulnerable members of the community across these metrics, especially Black trans women.

One of the key reasons for these issues is a lack of clear and agreed-upon legal and policy definitions that acknowledge trans people's existence and unique needs, ban discrimination, and allow these communities to access correct municipal, state, and federal identity documents. These are required for finding employment, finding housing, accessing public services, and being housed in correct sex-segregated facilities, such as homeless shelters and jails.

## **POLICY ISSUES**

How and why gender matters is an important question for policy-makers. Gender's current, narrow presence as part of identity documentation is one key cause of real lived experiences of violence, discrimination, poverty, and the lack of legal recourse for many of these issues.

## **IDENTITY DOCUMENTATION**

Having identity documentation that accurately reflects one's gender identity is a basic human right. It is worth noting that for true equity and positive outcomes for trans and nonbinary communities, cultural shifts must accompany policy shifts. Policymakers must recognize that there is pervasive anti-trans discrimination and transphobia across the US, as well as a lack of trans people in decision-making roles, which makes this community vulnerable, with many needs to be addressed through policy change. Acknowledging identity is one of many steps to validate transgender people's existence and begin to bring them further away from the margins of society.<sup>5</sup>

In late 2018, the Department of Health and Human Services (HHS) began efforts to restrict federal agencies' legal definition of gender. Under these proposed HHS guidelines, gender definition would be restricted to what was assigned at birth based on perceived sexual anatomy, or, in the case of disputes, based on genetic testing.<sup>6</sup> This change in legal definition of gender would likely worsen trans, nonbinary, and gender nonconforming people's ability to keep themselves safe while accessing schools, healthcare, federally funded programs, and sex-segregated institutions. These changes are not only an attack on trans communities but also profoundly incorrect science.<sup>7</sup>

## **NONDISCRIMINATION**

Trans, nonbinary, and gender nonconforming people already face significant discrimination, which the HHS memo exacerbates. For example, the HHS memo is the latest attack in an ongoing, longtime struggle against rampant discrimination in the pursuit for health-care access.<sup>8</sup> Specifically, it could impact trans people's ability to get needed gender-affirming medical treatments covered by insurance, including treatment routinely covered for cisgender people.<sup>9</sup> Doctors have expressed serious concerns about this proposal's implications for the future of trans medical care.<sup>10</sup>

The memo also has significant potential consequences for schools where narrow definition could impact students' access to locker rooms and bathrooms, a significant issue that has far-reaching impacts on their safety and learning-outcomes.<sup>11</sup>

In response, localities can pass anti-discrimination laws and ensure that requirements for changing sex classification on documents—including birth certificates, municipal identification, and licenses—are based on self-identification and not proof of medical treatment. Cities and counties can create an internal transgender issues workgroup tasked with oversight of city hiring practices, workplace experience for trans and gender nonconforming employees, and internal city policies and investments.

## **IMMIGRATION**

Trans and nonbinary undocumented immigrants face unique challenges when seeking asylum and refuge in the U.S., including disproportionately high levels of abuse, harassment, and sexual assault in immigration detention centers.<sup>12</sup> Currently, the main recourse by detention centers is to place known trans immigrants into solitary confinement; however 10 or more days in solitary confinement is considered a form of torture by psychological experts.<sup>13</sup> Local governments can take steps to deny access to local facilities like county jails to ICE enforcers, limit or end data sharing with federal immigration enforcers, and pass other “sanctuary city” laws to protect the rights of undocumented immigrants.<sup>14</sup>

**CITY EXAMPLES:** Just this fall, **New York City** became the fifth place in the US to offer gender neutral identification as a third option for birth certificates.<sup>15</sup> The City also has a human rights ordinance that prohibits discrimination on the basis of gender, including trans people.<sup>16,17</sup> In 2014, the city banned the use of condoms as evidence of sex work,<sup>18</sup> a starting point that activists continue to build on as they take further action for meaningful decriminalization.<sup>19</sup> In 2016, the **Minneapolis City Council** passed a strong resolution in support of the transgender community,<sup>20</sup> and in 2017 they established the Transgender Equity Council. Minneapolis hosted its fifth annual Trans Equity Summit focusing on Access to Health and Wellness and including a trans-specific Career and Wellness Fair.<sup>21</sup> The city also established a police policy protecting transgender and gender nonconforming people while interacting with police officers, and while in custody.<sup>22</sup> In 2016, Minneapolis designated funding in the city budget to construct gender-neutral restrooms for both the public and employees in all city-owned facilities including police stations.<sup>23</sup> **Philadelphia** has a strong and broad non-discrimination policy<sup>24</sup> that covers housing, employment, and public accommodations, which includes restrooms, and requires all single-occupancy public restrooms to

be gender neutral. In 2018, **Eau Claire** became the third city in Wisconsin to ban conversion therapy.<sup>25</sup>

School board members can take action to create an environment that is as gender-neutral as possible and supportive of students' gender identities and expressions, as well as work to protect students from harassment and bullying.<sup>26</sup> School boards can also create guidelines and policies that respect students' self-identified gender and name. For instance, **Trans United** worked with trans and ally students of **Frederick, MD**, to draft, organize around, and pass one of the most comprehensive pro-trans school policies in the country. The policy ensures all trans and nonbinary students in Frederick schools are affirmed, can participate in activities and use facilities appropriate for their gender, and that there are clear disciplinary guidelines for any staff or student who targets trans kids or uses transphobic slurs.<sup>27</sup>

Other policy changes that have disproportionate positive impact on trans and nonbinary people's lives include sex work decriminalization, such as the bill currently being considered in Washington, D.C.;<sup>28</sup> decriminalization of HIV, such as the measure in California;<sup>29</sup> as well as policies that provide affordable/accessible housing, healthcare, and food assistance.<sup>30</sup>

## **VIOLENCE**

Violence, especially against trans women of color, is rampant in communities across the U.S. Hate crimes legislation is a controversial method for addressing this violence, with trans people of color rightfully pointing out that such laws can be used to increase incarceration and make the punitive system harsher, rather than making communities safer.<sup>31</sup> Instead, supporting anti-violence community initiatives, public education, and providing for the baseline human and community needs that keep trans people housed, employed, etc. are strategies for addressing violence against trans and nonbinary people.

## **LANDSCAPE AND RESOURCES**

The **ACLU** has a helpful Know Your Rights resource for lawmakers and organizations.<sup>32</sup> **Trans United** partners with visionary transgender leaders and organizations to build the collective capacity of the trans community and to improve the lives of transgender people.<sup>33</sup> **Lambda Legal** has extensive resources for transgender communities.<sup>34</sup> **GLSEN** has several model policies for school districts. Finally, to learn more about policies and gender discrimination in your state, you can visit the **Movement Advancement Project's** equality map.<sup>36</sup>

*Co-authored by Trans United*



# LGBT CIVIL RIGHTS

## **THE PROBLEM**

Lesbian, gay, bisexual, and transgender people continue to face significant legal barriers to equality in the United States. LGBT individuals are more likely to be victims of hate crimes than any other group and hate-crime murders against LGBT individuals reached an all-time high in 2015.<sup>1</sup>

While the LGBT movement achieved significant gains under the Obama administration, far too many jurisdictions still allow discrimination in employment, housing, and places of public accommodation; fail to extend domestic partner benefits to same-sex couples; and lack pro-equality policies, including anti-bullying policies, in schools. Bullying affects children in tragic ways, with nearly one in four LGB teenagers and forty percent of transgender individuals attempting suicide.<sup>2</sup> Progress made at the federal level to combat discrimination and harassment of LGBT students is at risk under the current administration, as the Department of Justice has revoked important guidance documents that protected transgender students.<sup>3</sup>

Municipalities are expanding legal protections for LGBT individuals, and there is ample room for continued leadership at the local level.<sup>4</sup>

## **THE SOLUTION**

Local governments possess a wide range of options to protect LGBT rights and further the goals of inclusion and acceptance. Among these options are: (1) adopting equal municipal employment practices, (2) prohibiting discrimination by private sector employers and businesses, (3) providing domestic-partner benefits for same-sex couples, (4) establishing anti-bullying and other inclusionary protocols in schools, and (5) fostering meaningful community engagement on LGBT issues. The authority of municipalities to pass legislation in these areas often depends on their home rule powers.<sup>5</sup>

## **POLICY ISSUES**

**MUNICIPAL EMPLOYMENT PRACTICES:** One of the most effective ways that municipalities can protect LGBT rights is by treating their employees equally regardless of sexual orientation or gender identity. By local ordinance, over 200 municipalities, including cities like **Indianapolis, St. Louis, and Memphis**, prohibit discrimination by government offices in hiring, promotion, job assignment, and other employment practices.<sup>6</sup>

Local governments are also enacting provisions extending domestic partner benefits to their workers. Many cities and counties, such as **San Antonio**, extend benefits like health insurance to the significant others of all their employees, regardless of sexual orientation.<sup>7</sup> Other cities, like **Los Angeles** and **Minneapolis**, have mandated that all private employers contracting with the local government must similarly extend benefits to same-sex couples.<sup>8</sup>

**PROHIBITIONS ON DISCRIMINATION IN THE PRIVATE SECTOR:** Many local governments require private businesses to treat their employees and customers equally in employment and the provision of housing and public accommodation. Two Hundred and twenty five municipalities and counties in every region of the country have enacted ordinances, prohibiting discrimination on the basis of sexual orientation. These include **Atlanta, Baltimore, Chicago, Fort Worth, New York City, Salt Lake City**, and little **Susquehanna Township, PA**. Nearly all of these also prohibit discrimination on the basis of gender identity. Case law suggests that municipal anti-discrimination ordinances can be extended to cover all non-ministerial employees.<sup>9</sup>

Many municipalities are also tackling discrimination in the workplace itself, and broadening anti-harassment and discrimination laws to cover LGBT individuals. In 2016, **New York City** implemented one of the nation's strongest protections for transgender and non-conforming communities. The bill classifies as discrimination, among other things, dress codes that

impose different requirements based on gender or sex and the failure to provide employee health benefits that cover gender-affirming care.<sup>10</sup>

#### **YOUTH EDUCATION AND ANTI-BULLYING POLICIES:**

In an effort to protect children, school districts and local governments are enacting strict new anti-bullying provisions that specifically address sexual orientation and gender identity. Often, like in **Tehachapi, CA**, these provisions are adopted after the death of a student who was a victim of bullying.<sup>11</sup> Many municipalities, including **Charlotte, Dallas, Fort Worth, Johnstown, NY**, and **Oklahoma City**, have forbidden bullying by students or teachers based on sexual orientation or gender identity.<sup>12</sup> In many districts, violation of the policy can lead to expulsion. Some districts have gone a step further and taken effort to foster an affirmative sense of inclusion. **Broward County, FL** schools recognized October as LGBT History Month;<sup>13</sup> teachers and principals have supported the creation of Gay-Straight Alliance chapters in the high schools of Pittsburgh suburbs;<sup>14</sup> and many school districts are training teachers and educating students about diverse family arrangements and ways to support LGBT students.<sup>15</sup>

**COMMUNITY ENGAGEMENT:** By adopting public policy resolutions, local governments further the goal of inclusion. These resolutions serve to affirm that local governments officially condemn prejudice based on sexual orientation and intend to treat LGBT individuals as full and equal citizens.<sup>16</sup>

Some cities, like **Chicago** and **Minneapolis**, have created advisory councils or task forces designed to educate the city council and conduct outreach into the community.<sup>17</sup> Outreach efforts focus on education by providing workshops and presentations to schools, religious institutions, youth agencies, and community groups. Other cities, like **New York City**, task their human rights commissions not only with these duties but also with the power to investigate and punish violations of anti-discrimination law.<sup>18</sup>

#### **LANDSCAPE AND RESOURCES**

**Human Rights Campaign** is a national organization that tracks municipal legislation, publishes the comprehensive Municipal Equality Index, and advocates for an end to sexual orientation and gender identity discrimination. **The Transgender Law and Policy Institute** maintains a list of state and local laws on gender identity and provides legal, medical, and social science resources to advocates. **The Sylvia Rivera Law Project** addresses the particular problems faced by low-income transgender individuals and transgender people of color. **Movement Advancement Project** maintains a map and data on the percentage of workers legally required to be treated equally

regardless of sexual orientation or gender identity in the private sector.<sup>19</sup> **Equality Florida** organizes, lobbies, and educates on behalf of the LGBT community in the Sunshine State. **The Center for Popular Democracy** provides legal, strategy, and organizing support to local campaigns on these issues.

*Co-authored by the Center for American Progress*





# LOCAL POLICE SURVEILLANCE TECHNOLOGY

## THE PROBLEM

As the capabilities of surveillance technologies continue to advance, so does law enforcement's ability to monitor civilians' movements, communications, and ideas. Today, these technologies enable local police to trick a cell phone into providing them with the user's location. They can monitor where drivers and pedestrians travel in public using license plate readers and close circuit television cameras. They can intercept text messages unbeknownst to their senders or recipients. They can even be alerted when somebody posts a hashtag like #BlackLivesMatter on Twitter or Facebook. These measures, some of which are of questionable legality, are happening with far too little public knowledge or governmental oversight.

This growing surveillance impacts everybody, but has disproportionate impact on people of color, certain religions (particularly Muslims), and people who are politically active.<sup>1</sup> How do we know this? Despite the efforts of police to keep the use of surveillance technologies a secret, when advocates have periodically been able to peer behind that veil of secrecy, they have discovered these technologies are frequently deployed in a discriminatory manner. This proved to be the case in cities like **Baltimore, MD, Lansing, MI, Milwaukee, WI, Oakland, CA, and Tallahassee, FL**, where various surveillance technologies were overwhelmingly focused on communities of color.

The policies of the Trump Administration have exacerbated the threat presented by the local use of surveillance technologies.<sup>2</sup> President Trump has made it very clear, in both words and deeds, that his administration is hostile towards undocumented immigrants, Muslims, and other vulnerable communities. Because federal law enforcement does not have enough personnel to monitor the millions of persons belonging to these groups, the Trump Administration needs the help of local law enforcement to fully pursue his agenda. While some local police forces have refused to help federal law enforcement agencies, even in those cities, that may not

be enough to stymie the Trump Administration's efforts. By continuing the Obama Administration's expansion of programs that fund local police purchases of surveillance technologies, and making those grants contingent on local police sharing their data directly with the federal government or other government entities that share data with the feds, the current Administration can gain the passive assistance it needs from local law enforcement to more effectively target those communities. This is precisely the loophole U.S. Immigration and Customs Enforcement (ICE) used to obtain Oakland, California's automatic license plate reader data even though Oakland is a sanctuary city. As long as local police continue to have the authority to approve such agreements in secret, they are likely to do so.

The problem, in short, is that local police are increasingly using surveillance technologies to invade privacy, undermine civil rights and civil liberties, and target vulnerable communities. Because in most cities, decisions about funding, acquiring, and using surveillance technologies are exclusively made by local law enforcement in secret, the public and their elected officials neither know what surveillance technologies are being used nor have the ability to restrict or prohibit their use. That must change.

## THE SOLUTION

In the fall of 2016, a coalition of sixteen politically diverse organizations, including the ACLU and the Center for Popular Democracy, launched the Community Control Over Police Surveillance (CCOPS) effort. The effort is based upon eight guiding principles:

- Surveillance technologies should not be funded, acquired, or used without express city council approval;
- Local communities should play a significant and meaningful role in determining if and how surveillance technologies are funded, acquired, or used;



- The process for considering the use of surveillance technologies should be transparent and well-informed;
- The use of surveillance technologies should not be approved generally—approvals, if provided, should be for specific technologies and specific, limited uses;
- Surveillance technologies should not be funded, acquired, or used without addressing their potential impact on civil rights and civil liberties;
- Surveillance technologies should not be funded, acquired, or used without considering their financial impact;
- To verify legal compliance, surveillance technology use and deployment data should be reported publicly on an annual basis; and
- City council approval should be required for all surveillance technologies and uses—there should be no “grandfathering” for technologies currently in use.

To achieve these objectives, the CCOPS effort is promoting the adoption of model legislation<sup>3</sup> by city councils across the nation. As of summer 2017, CCOPS-type laws have already been adopted in **Seattle**<sup>4</sup>, **Nashville**<sup>5</sup>, and **Santa Clara County**<sup>6</sup>, California (home of Silicon Valley). Bills have been introduced, or on the verge of being introduced by an identified sponsor, in 16 additional cities<sup>7</sup> (plus two states<sup>8</sup>). Grassroots efforts to identify a sponsor who will introduce a CCOPS bill are underway in more than 40 additional cities. If adopted, CCOPS laws will create an open, transparent process for the approval—or rejection—of local surveillance technologies. Moreover, as part of the process of seeking approval, law enforcement will need to provide the public and their elected officials with detailed information regarding how the surveillance technology works, how it will be deployed and for what purposes, what the potential adverse impacts on civil rights and liberties are, and how those potential adverse impacts will be avoided.

Where CCOPS bills become law, local law enforcement will no longer be able to acquire surveillance technologies without an open, public hearing and city council approval. Likewise, police departments will not be able to use that technology in a manner that has not been approved by the city council, nor will they be able to share access to or data from those technologies with the federal government or any other entity without city council approval. Given these objectives, it is fair to say CCOPS is as much about promoting government transparency as it is about empowering the public and their elected officials to make informed decisions about the use of surveillance technologies.

Elected officials and organizations wishing to start or join a CCOPS effort in their city should visit the CCOPS website (see details below). They can also contact the ACLU for further information and assistance at [CCOPS@ACLU.org](mailto:CCOPS@ACLU.org).

## **ADDITIONAL RESOURCES**

To learn more about the CCOPS effort, and to access CCOPS advocacy resources, visit the CCOPS website at [www.CommunityCTRL.com](http://www.CommunityCTRL.com).

To download a version of the CCOPS model city council legislation, see “An Act to Promote Transparency and Protect Civil Rights and Civil Liberties with Respect to Surveillance Technology”. ACLU. January 2017.

To download the fourteen-organization CCOPS’ Guiding Principles document, see “Community Control Over Police Surveillance—Guiding Principles.” ACLU.

For a primer on the various surveillance technologies being used by local police, “Community Control Over Police Surveillance: Technology 101.” ACLU.

*Co-authored by the American Civil Liberties Union*



# LESSONS IN TAKING DRUG POLICY REFORM LOCAL

*“As mayors, we know that a shift away from punitive responses to drugs is possible. Our two cities, like communities large and small across the country, bear the burden of a half-century of disastrous drug policies that have wrought two epidemics: Mass incarceration and skyrocketing overdose deaths. As people elected to serve, we have a moral obligation to do something different, something better.”*

—Mayor Alan Webber, Santa Fe, NM and Mayor Svante Myrick, Ithaca, NY<sup>1</sup>

## **THE PROBLEM**

Communities of all sizes across the U.S. are staggering under the weight of half a century of failed federal, state and local drug policies. The war on drugs has cost the nation more than one trillion dollars, exacerbated racial injustices, and torn families apart through the routine criminalization of communities of color and the deportation of immigrants.<sup>2</sup> Despite the decades-long drug war, overdose is now the leading killer of Americans under the age of fifty-five.<sup>3</sup> Of the 1.6 million arrests for drug law violations in 2017, over eighty-five percent were solely for possession.<sup>4</sup>

The overdose crisis has impacted communities of all sizes and geographic locations, and stakeholders are desperate for more effective strategies that take into account the root causes of the crisis.

The federal government remains mired in its ineffectual response, while leadership at the state level is often lacking. But people in local communities most impacted by drug use and deeply flawed public policies can step forward to make a difference.

## **THE SOLUTION**

**A MUNICIPAL DRUG STRATEGY:** By taking decisive action through the Drug Policy Alliance’s Municipal Drug Strategy (MDS) framework, local jurisdictions have the opportunity to begin repairing the damage

of the decades-long war on drugs and to develop and implement a more compassionate, and ultimately, more successful response.

Unlike “zero tolerance” and abstinence-based approaches, a MDS focuses on significantly reducing drug-related and enforcement related harms to individuals who use drugs—whether they struggle with addiction or not—as well as to their families and communities as a whole.

A shift in philosophy is at the core of an MDS. Governments at all levels have traditionally treated people who use drugs as criminals in need of punishment, which often leads to violations of their civil and human rights. A MDS challenges communities to focus, instead, on mitigating the harm to public health and safety caused by problematic drug use and address the root causes of problematic drug use.

Solutions and interventions to pressing societal problems, when designed at the local level, reflect the unique character of a community and its people. When there is buy-in from the community, the impact of such interventions are more effective and felt more immediately. Proactive engagement of all stakeholders, especially those most impacted by drug policies, ensures that the focus is on achieving the most positive outcomes for the greatest number of people in these communities.

**CITY AND/OR COUNTY EXAMPLES:** The MDS model was first pioneered as a public health measure in Europe as early as the 1980’s.<sup>5</sup> The Frankfurt Resolution, signed by thirty-four cities in ten countries, detailed a new approach to handling problematic drug use, recognizing that current drug policies only amplified its negative consequences.<sup>6</sup>

The “Frankfurt Way” included the introduction of several innovative approaches over the subsequent two decades, including:

- Creation of “low-threshold drop-in centers” to provide information on safer use, sterile syringe access, and support for preventing the spread of disease and infection.
- Opening of supervised consumption services (also known as safer injection facilities) to promote public health.
- Medically controlled provision of heroin to patients who have not responded to opioid substitution therapy using synthetic alternatives, also known as heroin-assisted treatment.
- Programs to assist with housing and employment, proactive social work, and early intervention programs for youth.

The results have been nothing short of spectacular, revealing significantly lower rates of crime and problematic drug use—along with a parallel improvement in public health outcomes, including major reductions in rates of overdose, HIV/AIDS, and hepatitis C.<sup>7</sup>

**Vancouver, B.C.** In 1997, Vancouver, B.C. declared a public health emergency after booming drug and sex-trade economies led to an HIV epidemic.<sup>8</sup> Shifting to balance public order and public health, in 2000-2001 Vancouver completed and adopted an integrated drug strategy called *A Framework for Action: A Four Pillar Approach to Drug Problems in Vancouver*, calling for initiatives including supervised drug consumption services, expanded addiction treatment (including heroin-assisted treatment and educational resources), and new policing strategies, including a focus on community policing and diversion programs.<sup>9</sup>

**Ithaca, New York.** In February 2016, Ithaca, New York, made history when it launched the first Municipal Drug Strategy in the U.S., modeled on the success of Frankfurt. Recommendations to improve Ithaca’s response included opening an Office of Drug Policy, implementing more educational programming, training law enforcement and health professionals, adding more treatment resources and facilities, adding Housing First programs, increasing job programming, passing Ban the Box legislation, and implementing processes to monitor and address socioeconomic outcomes.<sup>10</sup>

**Santa Fe, New Mexico.** In 2017, Santa Fe announced support for a MDS based on that of Ithaca. The Santa Fe City task force is in the process of making recommendations that include: treatment-on-demand programming, community-based drug checking services to prevent overdoses, prohibiting city resources from being devoted to enforcing possession of drugs and paraphernalia for personal use, and advocating for expanded access to Pre-K programming.<sup>11</sup>

**San Francisco, CA.** Although San Francisco has not formally engaged in a MDS process, the city has a long history of focusing on harm reduction and the needs of people who are involved with drugs. Strategies undertaken in the city include easily accessible health-care services for active drug users, sup-

portive services for clients in treatment, street outreach, syringe exchange programs and cleanup efforts, treatment-on-demand programs, and equipping police with naloxone to reverse the effects of opioid overdose.<sup>12</sup>

## **POLICY ISSUES**

Although each local jurisdiction will end up with their own set of policy solutions to address their community’s needs, a strong MDS would include some combination of the following policies.

- Pre-booking Diversion Programs
- Medication-Assisted Treatment (MAT) in Jails and Emergency Rooms
- Access to Naloxone in the Community and By Law Enforcement
- Supervised Consumption Services
- Free Public, Community-Level Access to Drug Checking Services
- Comprehensive, Evidence-Based Health and Harm Reduction Curriculum for Youth in Local School Districts
- Housing First/Wet Housing. These models provide individuals and families quick connections to permanent housing without preconditions and barriers to entry.
- Equitable Development. A growing body of evidence suggests that communities in economic distress register higher incidences of drug overdose deaths than those that have more economic opportunities.<sup>13</sup> Examples: creation and retention of jobs, mentorship programs for youth and adults with criminal records with local businesses, and subsidized child-care for parents in the workforce.
- Early Childhood Development. Data suggests that children who have high quality early childhood support and education experience long-term health benefits, including less problematic drug use later in life.<sup>14</sup> Examples include: parenting support, universal pre-k, and social and emotional skill building.

Additional policy solutions can be found in the Drug Policy Alliance’s report, *Municipal Drug Strategy: Lessons in Taking Drug Policy Reform Local*. This report lays out a roadmap for how U.S. cities of all sizes can address the harms of both drug use and the failed war on drugs, such as mass incarceration and the overdose crisis.

*Co-authored by the Drug Policy Alliance*



# POLICING AND CIVIL RIGHTS

*“I’ve been stopped so many times that now I’ve lost count... When I see officers now, I feel like I’m going to be stopped, like a hostage in my own neighborhood.”*

—Clive, Brooklyn Resident<sup>1</sup>

*“[L]egislation is a crucial step we must take toward achieving better policing and safer streets for all.”*

—Jumaane Williams, New York City Council Member<sup>3</sup>

*“The NYPD wants to create public safety but is instead instilling fear among immigrant communities. While officers believe that they are creating safety by stopping innocent New Yorkers, they are really creating enemies who will be less likely to report crime when it does happen.”*

—Daniel, Queens Resident<sup>2</sup>

## **THE PROBLEM**

In too many communities across the country, local law enforcement officers who are responsible for serving and protecting residents are instead targeting them for harassment and abuse. Each day, individuals are targeted because of their race, ethnicity, national origin, immigration status, religion, age, sexual orientation, gender identity or expression or other characteristics. Every day, residents of entire neighborhoods are subjected to policing practices that violate constitutional protections and state and local laws and simultaneously erode trust between police and area residents.

A Department of Justice investigation in Washington documented the Seattle’s Police Department’s disproportionate use of excessive force against people of color and its tendency to use similar tactics when interacting with individuals with mental health issues. In **New York City (NYC)**, a 2011 study revealed

that the New York Police Department (NYPD) had conducted over 685,000 street stops. African-American and Latino young men between the ages of 14-24—while less than 5% of the city’s population—accounted for over 40% of those stopped. More than 80% of those ticketed in NYC for low-level offenses were Black or Latino, and in nearly 9 out of 10 cases, no ticket was issued or arrest made. This is a trend that has unfortunately continued in recent years. In 2013 the NYC Attorney General released a report revealing that just 0.1% of stop-and-frisks resulted in conviction for a violent crime or possession of a weapon. In

2015, the NYPD conducted 22,939 street stops. 12,223 of those stops were of Black residents (54%) and 2,567 were of Latino residents (11%). 18,353 of the total number of stops (80%) were completely innocent.

## **THE SOLUTION**

Eliminating discriminatory policing requires innovative policies that reinforce constitutional principles. The most promising approaches not only outlaw the targeting of individuals and communities on the basis of demographic characteristics, they also provide guidance on how law enforcement agencies can protect the rights of residents while also ensuring public safety and institute effective transparency and accountability measures. In **New York City** in 2013 Communities United for Police Reform was able to help pass a local law that outlawed targeting on the basis of characteristics such as immigration



status, age, housing status, disability, sexual orientation, gender and gender identity or expression in addition to race, religion, and national origin.

In the absence of federal action, local leaders are partnering with community and labor to hold law enforcement agencies accountable to the communities they serve. Cities including **New York, Detroit, Cincinnati, Columbus** and **Jackson** have enacted local laws barring—at a minimum—police profiling on the basis of race or ethnicity. In 2011, in response to concerns about surveillance of Middle Eastern and Muslim communities in **Portland**, the City Council enacted an ordinance protecting residents’ rights and supporting public safety by ensuring city oversight of local law enforcement collaboration with the FBI’s Joint Terrorism Task Force. Similar legislation was enacted by the **San Francisco** Board of Supervisors in 2012.

## **POLICY ISSUES**

The following are important issues to consider in designing local policy solutions to address discriminatory policing. Legislators can tailor their proposals to the political realities of their communities.

**POLICE PROFILING:** Many legislative efforts to address discriminatory policing bar profiling on the basis of race, ethnicity, religion or national origin, but individuals are often targeted on other bases as well. It is important to work with community members to get a full sense of whether they have been targeted on other grounds, such as sexual orientation, gender identity or expression, age, housing status, immigration or citizenship status, language, disability, housing status, occupation or socioeconomic status. The most effective measures will be those that bar reliance on these characteristics to any degree.

**POLICE IDENTIFICATION:** Measures that require police officers to identify themselves, explain the reasons for a stop or other police activity and share information on complaint procedures can help to promote transparency and accountability and promote trust. Similar laws exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the **City of New Orleans** and the **Puerto Rico** Police Department.

**CONSENSUAL SEARCHES:** In many cases, residents are unaware of their constitutional right to decline to consent to a search for which there is no other legal basis. Provisions that require that consent be informed and documented can safeguard residents’ rights and protect law enforcement agencies from false claims of wrongful behavior. Similar laws exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the **City of New Orleans** and the **Puerto Rico** Police Department. **West**

**Virginia** and **Colorado** have enacted measures related to consensual searches. Other states such as **California, Minnesota, New Jersey** and **Rhode Island** have banned consent searches all together due to discrimination.

**OFFICER TRAINING:** High-quality training and other forms of professional development can help law enforcement officers better understand how to promote public safety while respecting the rights of all residents. Training should relate to the nature of profiling, how to avoid profiling and the implementation of data collection requirements.

**DATA COLLECTION AND REPORTING:** The collection, analysis and reporting of data on law enforcement activity is a critical element of legislation to address discriminatory policing. Processes must allow for the disaggregation of data on the demographic characteristics of individuals who are the targets of law enforcement activity, including the rates at which drugs, weapons or other items are found during stops and searches. Regular, public reporting of this data must be required.

**OVERSIGHT AND ACCOUNTABILITY:** Strong provisions for ongoing oversight will incentivize compliance and allow for the identification of successful efforts. One means of accomplishing this is through establishment of an independent office or body with a specific mandate to monitor compliance.

For example, the **Los Angeles** Police Department is subject to oversight by an Inspector General with investigative authority.

## **LANDSCAPE AND RESOURCES**

The **Rights Working Group** (RWG) is a coalition of more than 340 local, state and national organizations with a website features extensive resources on racial profiling. The **Racial Profiling Data Collection Resource Center** at Northeastern University has a valuable compilation of policy and litigation materials related to the topic. **The Center for Popular Democracy** provides legal, strategic, and organizing support to local campaigns.

# REPRODUCTIVE RIGHTS FOR YOUNG PEOPLE

## THE PROBLEM

It is vital that our education system provide adolescents with the information, skills, and support they need to make informed choices about their sexuality, reproductive health, and relationships. Though comprehensive sexuality education has a proven positive impact on adolescent sexuality and health<sup>1</sup>, and may reduce bullying, intimate partner violence, and sexual harassment and assault, it is not consistently available in schools.

Many young people face particular obstacles to becoming empowered and healthy individuals. Lesbian, gay, bisexual, queer, transgender and gender non-conforming (LGBQ and TGNC) students face disproportionate rates of school victimization.<sup>2</sup> Young people account for half of all new sexually transmitted infections.<sup>3</sup>

In nearly half of all states, minors cannot consent to receive contraceptive services without parental involvement<sup>4</sup> and fewer than 15 percent of middle and high schools provide students with contraceptives either on site or through referrals.<sup>5</sup> Seventy-five percent of all pregnancies among girls ages 15–19 are unintended<sup>6</sup> and minors in most states are unable to access abortion without notifying a parent or guardian<sup>7</sup>, yet they also face stigma when they are pregnant and parenting.<sup>8</sup>

## THE SOLUTION

Because education is a local issue, and because the services and support young people need must be close to home and easily accessible, cities have a central role to play in ensuring that policies, resources, and values meet the specific needs of youth when it comes to sexuality and reproductive health care. Local governments can provide comprehensive sexuality education, support for young people who become pregnant or are parenting, and access to confidential and teen-friendly reproductive health care.

## POLICY ISSUES

**SUPPORT COMPREHENSIVE SEXUALITY EDUCATION:** One of the most important actions a municipality can take to ensure that students have the information they need is to mandate long-term, comprehensive sexuality education in the classroom.<sup>9</sup> To the extent possible, local officials should also work to ensure that sexuality education policies are mirrored in charter school curricula. Many school boards or departments of education can mandate age- and developmentally-appropriate, K-12, and LGBQ and TGNC-inclusive comprehensive sexuality education, as was done in **Chicago**.<sup>10</sup> City councils can support this process by holding public hearings that give young people an opportunity to tell their stories and describe their needs and engage other community members, as **New York** did in April 2017.<sup>11</sup> Evaluation standards establish accountability for implementation and make sure that the selected curriculum is meeting the needs of teachers and students and having a meaningful impact. In **Broward County, FL**, schools are required to report the number of students who participated in sex education courses each year.<sup>12</sup> In **Baltimore, MD**, the city received funding to hire a community-based organization to thoroughly evaluate the implementation of their sexuality education programming. Cities should ensure that school administration and teachers have adequate resources, including time and money, to implement policy changes in the classroom.

**SUPPORT COMMUNITY-BASED ORGANIZATIONS THAT EMPOWER YOUNG PEOPLE:** In many localities, community-based organizations are an important part of the fabric of daily life for young people, providing them with a range of necessary services in and out of the classroom. The **New York** City Council allocates funding annually to programs like TORCH, a peer education



program that trains and pays teenagers to teach after-school workshops on sexual and reproductive health, rights, and justice education, centering the experiences of black and brown youth.<sup>14</sup> These organizations can also be an important resource for LGBTQ and TGNC youth. In **Marion County, IN**, the Department of Child Services provides funding to the Indiana Youth Group, which provides support to LGBTQ youth in Indianapolis and beyond.<sup>15</sup>

**SUPPORT PREGNANT & PARENTING YOUTH:** Young people who become parents deserve support from their community, not shame. Cities can reflect these values by avoiding teen pregnancy prevention language or programming that stigmatizes young parents and their families, as well as by offering a range of services to pregnant and parenting teens.<sup>16</sup> In **Milwaukee, WI**, the Pregnant and Parenting Youth Program in two schools offers both young fathers and mothers, as well as pregnant students, support, including home or hospital instruction and case management to facilitate access to resources across the city.<sup>17</sup> In **Minneapolis, MN**, students have access to maternity leave as well as childcare on-site at four schools in the city.<sup>18</sup> California and New Mexico recognize “Day of Recognition for Young Parents” on August 25, and cities could consider establishing this as a day of recognition as well.<sup>19</sup>

**MAKE REPRODUCTIVE HEALTH CARE ACCESSIBLE TO TEENS:** To overcome barriers like the need for confidentiality, lack of access to transportation, and limited income, cities need to be creative about how to get teens the health care they need. School-based health centers (SBHCs) offer age-appropriate, confidential care to students where they already are, and can be particularly important for vulnerable students, including those who are undocumented. Because they are often able to guarantee confidential care, SBHCs are an ideal point of care for family planning and reproductive health services. **Hillsboro, OR**’s school board voted to change their policy to allow the town’s SBHC to prescribe and dispense contraceptives to students. In **Baltimore, MD**, students are able to access many forms on contraception at SBHCs, including long-acting reversible contraception.<sup>21</sup> Another creative solution comes from the **Philadelphia** Department of Public Health, which has condoms available at sites across the city and will mail free condoms to students in a discreet package.<sup>22</sup>

## **LANDSCAPE AND RESOURCES**

**National Institute for Reproductive Health** provides funding and technical assistance to organizations and advocates working to advance reproductive health, rights and justice on the local level and connect officials with local youth-serving organizations. **Advocates for Youth** partners with young

people to advocate for a more positive and realistic approach to adolescent sexual health. **SIECUS** helps schools and communities adopt and implement comprehensive sex education and can provide up-to-date resources on adolescent sexuality. **Planned Parenthood** is a leader in providing comprehensive sex education to young people in classrooms across the country.

*Co-authored by the NIRH*



# SPECIALTY COURTS & COMMUNITY JUSTICE

*“The use of early pretrial diversion is particular appealing as a response to misdemeanor crime, given the potential to conserve scarce resources and refocus attention on more serious cases, while also reducing the exposure of defendants facing low-level charges to the traditional justice system.”*

—Center for Court Innovation, *Creating Off-Ramps: A National Review of Police-led Diversion Programs* (2016)

## **THE PROBLEM**

“The use of early pretrial diversion is particular appealing as a response to misdemeanor crime, given the potential to conserve scarce resources and refocus attention on more serious cases, while also reducing the exposure of defendants facing low-level charges to the traditional justice system.”—Center for Court Innovation, *Creating Off-Ramps: A National Review of Police-led Diversion Programs* (2016)

America’s enormous inmate population is of increasing concern to policymakers across the country. While most of the discourse about incarceration focuses on federal and state prisons, local jails are also overcrowded. In 2015, local jails admitted 10.9 million people, and had an average daily population of about 728,000 a day.<sup>1</sup> With the national recidivism rate at 76.6%, many more than the majority of these inmates are repeatedly shuffled through the system.<sup>2</sup> And, like federal and state prison populations, local jail populations tend to be disproportionately people of color. While Blacks only comprise 13.2% of the national population, they account for 35% of those in local jails.<sup>3</sup>

The effect on local budgets is also massive: for local governments with limited resources, sustaining such imprisonment levels is simply untenable. Since 1983, the nationwide cost of local corrections—jail and communi-

ty corrections—has increased from \$6.8 billion to \$26.4 billion.<sup>4</sup> A 2010 study found that **Philadelphia** spent seven cents out of every tax dollar on holding people in jail. That is more than it spent on anything other than police and human services, and about the same amount spent on streets and health departments combined. Smaller and mid-sized localities are suffering the most from the added burdens of these costs—a recent study by the Vera Institute found that the prison population in small and mid-sized counties was driving growth in the prison population nationwide.<sup>5</sup>

## **THE SOLUTION**

Local governments are pursuing a range of policy solutions to help end the unabated growth of prison populations, from decriminalizing minor offenses to investing in alternatives to incarceration.

The **New York City** Council and Mayor’s office announced a plan to close the Rikers Island prison as part of a wide sweeping plan that will end the practice of imprisoning individuals who are awaiting trial and unable to afford their bail, which will save the city an estimated \$1.4 billion annually.<sup>6</sup> Kim Ogg, **Houston’s** District Attorney has announced a marijuana diversion program that aims to reduce significantly the \$250 million that Houston spent over the last ten years prosecuting low-level possession cases. The program will divert marijuana possession cases and convictions away from local jails and into programs that process marijuana users quickly and leaves them with a clean record.<sup>7</sup> A study from the Center for Court Innovation estimates that a similar program practiced on a wide scale in New York City could save up to \$45 million annually.<sup>8</sup>

Smaller municipalities have taken positive steps as well. **Hamden County, MA** was able to save \$16,000,000 annually by decreasing its incarcerated population.<sup>9</sup>

One important way local governments can help address the issues that lead to criminal activity, without needlessly relying on incarceration, is to implement specialized courts that are focused on addressing com-

munity-specific challenges. Unlike more traditional courts, specialized courts usually center on one type of offense or offender and are incorporative of other social service providers.

## **POLICY ISSUES**

**COMMUNITY COURTS:** Community courts are neighborhood-focused courts that seek to use the justice system to solve local problems. They incorporate outside stakeholders such as residents, merchants, churches, and schools in an effort to bolster public trust in justice, while testing new approaches to reduce both crime and incarceration.<sup>10</sup>

Since the first community court was founded 23 years ago, these specialized systems have played a critical role in addressing criminal activity, instituting alternative sanctions, and defraying the massive costs of criminal justice involvement. Some community courts focus on an entire city or county, while others center on a neighborhood, but all seek to address the issues that lead to criminal behavior, while engaging the community and imposing logical sanctions.

Courts often mandate participation in both restorative community service and individualized services, including counseling, treatment, and other programs. Each court creates innovative approaches to help problem-solve in communities where the same issue tends to repeat itself. Ultimately, the most important thing about community courts is that they are “shaped by the unique political, economic, and social landscapes in each community.”

In **New York City**, the Harlem Community Justice Center’s programs include Attendance Court, which focuses on chronically truant students and parents. Bronx Community Solutions provides all judges with a number of options, such as addiction counseling and treatment, job training, family services, and help with mental health issues. In **Atlanta**, the Reunification Program assists homeless defendants who want to be re-connected to family or other support outside of the city by making connections and providing access to transportation.

**DRUG COURTS:** Over the past thirty years, the criminal justice system has treated drug addiction as a criminal offense rather than a health concern. This practice has a massive economic cost for taxpayers. The Drug Policy Alliance reports that the US spends more than \$51 billion annually in the “war on drugs.”<sup>11</sup>

Drug courts seek to reverse that tide by connecting drug offenders with treatment and judicial monitoring. When implemented correctly, drug courts are better able to reduce recidivism and treat addiction. A study of six drug courts by the Center for Court Innovation found that the courts reduced the recidivism rate by an average of 29% over three years.<sup>12</sup> Furthermore, the programs continued to have a positive effect beyond

the period of program participation, with recidivism falling by an average of 32% over the year “post-program”. Additionally, according to the Center for Court Innovation, “drug court participants stay in treatment much longer than those entering it voluntarily.” And while the costs of treatment are typically higher for participants in drug courts, localities should see this as a worthwhile investment. With less recidivism, drug courts actually save about \$6000 per offender overall.<sup>13</sup>

**REENTRY COURTS:** Many community courts provide services for those who have been recently incarcerated. One way to assist this population is by implementing a Reentry Court. Reentry Court provides support to parolees and others recently released from prison by providing consistent oversight and service provision. According to the Center for Court Innovation, the goal of Reentry Court is to provide stability by “helping them to find jobs, secure housing... and assume familial and personal responsibilities.” In many Reentry Courts, participants graduate from the program, providing a sense of accomplishment and accountability. However, they are still eligible for case management and social service assistance. A study of the Harlem Justice Center Reentry Court showed that parolees, including graduates and those who failed to graduate, were less likely to be rearrested and less likely to be reconvicted.

**MENTAL HEALTH COURTS:** Jails have been called the “new asylums” because of the high number of mentally ill inmates. In many states, funding has been cut for mental health services, leading to an increasing number being incarcerated. The Justice Policy Institute estimates that 6 out of 10 jail inmates suffer from a mental health problem.<sup>14</sup> And, according to the National Alliance on Mental Illness, 2 million people with serious mental illness are booked into jail every year, and only half of those mentally ill inmates report getting treatment while incarcerated.<sup>15</sup> Mental Health Courts focus on taking people who suffer from mental illness out of the court system and into a more community-based treatment. By requiring close supervision by a judge and regular check-ins with the service providers associated with the court, mental health courts can support the mentally ill without needlessly punishing them for circumstances outside of their control.

## **LANDSCAPE AND RESOURCES**

Above are just some of the examples of alternative courts available to local governments. For more information on specialty courts, please visit **The Center for Court Innovation**, the **Justice Policy Institute**, and the **Bureau of Justice Assistance** at the U.S. Department of Justice.

**INTERACTIVE CITATIONS AVAILABLE ONLINE AT**

# CREATING GREEN JOBS

## **THE PROBLEM**

Without a movement to win bold solutions to the climate crisis over the coming years, low-income communities of color will bear the brunt of an avoidable disaster. Cities are crucial to limiting the impacts of climate as they bear primary responsibility for protecting their residents from the consequences of climate change. With social infrastructure reliant on fossil fuels, mitigating the impacts of climate change means we must address how all systems of modern life—buildings, housing, transportation, energy, food, and more—are powered and structured. If we are to avert the worst impacts of the climate crisis, we must rebuild these systems in ways that promote equity and justice.

With opportunities to advance meaningful policy stuck at the Federal level and in many states, cities have a critical role to play in passing cutting-edge initiatives that address both climate and inequality by taking the lead on designing innovative programs and funding sources to restart the green jobs movement.

## **THE SOLUTION**

In 2008, over 1,100 mayors signed the Green Jobs Pledge, committing their cities to policies that drive investment in an inclusive and sustainable economy.<sup>1</sup> The goals of the green jobs movement are to: (1) shift America's economy away from its dependency on fossil fuels and (2) create millions of sustainable, middle class jobs available to workers with a range of educational backgrounds.

Cities can create and support green jobs by encouraging the development of renewables, implementing weatherization and energy efficiency programs, expanding public transit, and investing in countless other initiatives,

Moreover, these jobs can be good jobs. A study in 2011 found that the green economy offers more opportunities and better pay for low- and middle-skilled workers than the national economy as a whole. Median wages in the clean economy are 13 percent higher than median

U.S. wages. Green jobs also pay a living wage, are safe, and create upward mobility. Living wage requirements, community benefit agreements, and clawback provisions should be used whenever possible.

Local governments can use job quality standards to require companies receiving “green” subsidies and contracts to meet certain criteria, including wage levels, availability of health insurance, and full-time hours. Clawback provisions can provide insurance that subsidized companies comply or else repay all or part of the subsidies awarded to them.

The most successful cities have offices that design local solutions, coordinate implementation, and take full advantage of available state programs. Cities can create and encourage green jobs in: energy efficiency; renewable energy; green manufacturing, construction, and product design; organic agriculture, sustainable forestry, and conservation; and waste control and recycling.<sup>2</sup>

## **ENERGY EFFICIENCY UPGRADE PROGRAMS**

The quickest way to directly create new green jobs is through energy efficiency upgrades to buildings. The immediate and on-going cost savings created by these upgrades funds the upfront costs and, ideally, makes the projects sustainable. Forty percent of America's energy is used in buildings, so improvements have significant environmental benefits.<sup>4</sup>

- *Government buildings:* City governments occupy office and school buildings for decades, so there is strong financial incentive to make energy efficiency upgrades. With interest rates at historic lows, cities can immediately save money by issuing bonds to pay for the upgrades or partnering with utility companies and responsible banks to develop other financing.
- *Residential buildings:* Many energy efficiency programs offer homeowners free or cheap upgrades while lenders recover the savings over time. The biggest challenge is often outreach: in a **South Bronx** pilot project, although 100 families received free audits from NY State, only 5 completed the retrofits.



**Portland** has been far more successful—and has prioritized the creation of good jobs—through collaboration with community organizations.<sup>5</sup>

- *Commercial buildings:* Economies of scale make these projects attractive and over 25 states permit municipalities to issue bonds to fund them.<sup>6</sup> However, because tenants generally pay energy costs, landlords often do not have an incentive to invest in upgrades. Mortgage terms also complicate matters. The **New York City** Energy Efficiency Corporation is using an innovative financial arrangement to resolve these problems.<sup>7</sup>

#### ENCOURAGING EFFICIENCY: ZONING, CODES, & TAXES.

Cities can stimulate significant economic growth by requiring building owners to measure and improve their energy usage. **New York City** passed a package of local laws requiring that large buildings annually benchmark their energy performance, conduct an energy audit and retro-commissioning every 10 years, upgrade lighting to meet code, and provide large commercial tenants with sub-meters.<sup>8</sup> Other policies to encourage efficiencies include:

- Many cities have energy codes that exceed state minimums;
- **Berkeley** and **Austin** require upgrades at the time of sale or other trigger points;
- **Washington, D.C.** requires that large commercial buildings disclose their energy use to the public;
- Cities can offer non-financial incentives, such as expedited permitting or prioritization in access to public services, in exchange for efficiency.

#### INVESTING IN CLEAN ENERGY

Many cities have prioritized the use of clean energy. In 2001, **San Francisco** voters authorized \$100 million in bonds to purchase enough renewable energy to supply about 25 percent of the government's needs. As a result, the city has become a hub for the solar industry, fostering economic and job growth.

States around the country mandate that electrical utilities buy a portion of their energy from renewable sources; they have established tradable energy credits to encourage energy production by businesses and homeowners. **Gainesville, FL** has sought to speed up production by setting the rates that utilities must pay for solar energy.<sup>9</sup> As a result of these and other programs, employment in the solar industry grew by 13 percent in 2012.<sup>10</sup>

#### COORDINATING OTHER GREEN POLICIES

In **Pittsburgh**, a coalition of entities is creating good green jobs by (1) diverting excess usable building materials from landfills into construction; (2) rebuilding the county's drain system to divert rainwater away from sewers and into gardens, farms, and green spaces that revitalize abandoned lots and business areas; (3) turning used commercial and residential cooking oil

into biofuel; and (4) establishing a six-week job training program for underemployed and unemployed people that connects workers to green jobs.<sup>11</sup>

#### LANDSCAPE AND RESOURCES

For a more comprehensive policy outline please see the Local Progress Resource Guide: Climate Change, Mitigating Climate and Advancing Equity: October 2015, A Local Climate Justice Report.

The **Department of Energy** provides funding and support to twenty-five cities to promote solar energy markets. See the comprehensive *Solar Powering Your Community: A Guide for Local Governments (2011)*. **Vote Solar** is leading campaigns at the local, state, and federal to help solar markets grow. **C40** is a group of major cities around the globe taking action to avert climate change. **Green for All**, **the Blue-Green Alliance**, **Good Jobs First**, and **The Labor Network for Sustainability** are leading the fight for a green economy.



# DIVESTING FROM FOSSIL FUELS

## How Cities Can Help Solve the Climate Crisis

*“The impact of divestment by local governments has significant potential. Nationally, total municipal holdings amount to about \$1.5 trillion in cash and security holdings and an additional \$500 billion in retirement funds.”*

—Mayor’s Innovation Project, *Divestment from Fossil Fuels: A Guide for City Officials and Activists* (2014)

### THE PROBLEM

Local government investments support the status quo of an economy driven by harmful fossil fuels. Following a staggering number of major natural disasters in the past several years, climate change has become a very real and local problem. Coastal flooding and extreme temperatures are already costing cities billions of dollars in preparation and repairs. These problems have pushed cities to make their operations more environmentally friendly. But many localities face a common problem—even as their operational policies become greener, their investments still support the industries that are driving global climate change.

### THE SOLUTION

Recently, a new policy has been gaining traction: divestment of public funds from the stocks of fossil fuel companies that make money extracting coal, gas, and oil. Thirty-six local governments in the United States have already committed to the divestment process. The impact of divestment by local governments has significant potential. In 2014 total municipal holdings add up to about \$1.5 trillion in cash and securities, plus an additional \$500 billion in retirement funds.<sup>1</sup> Divestment affects companies’ bottom line while also bringing attention to their reckless practices.

From an investment standpoint, divestment can actually make local government finances more secure. Fossil fuel companies are already facing time constraints on their future profitability: between 50-80 percent

of their value is derived from unburned reserves. But because of the already-changing climate, it is likely that the US will ultimately institute a price on carbon that will slow the extraction and reduce fossil fuel companies’ profits. Disinvesting from fossil fuel companies protects cities from these future financial risks.<sup>2</sup>

Research suggests that cities will not suffer meaningful financial impact from divestment, particularly in light of its social and environmental benefits.<sup>3</sup> Recently, even financial giants have come to the same conclusion. In January 2014, a Goldman Sachs subsidiary sold its shares in a **Seattle**-based coal export terminal.<sup>4</sup> Environmental regulations, competition from natural gas, and increased energy efficiency were all specifically cited by Goldman Sachs as reasons to shy away from investments in coal. Additionally, **London’s** most prominent stock index, the FTSE, has recently chosen to completely exclude fossil fuel companies.<sup>5</sup>

### POLICY ISSUES

Many cities have already begun to make progress. The divestment procedure is relatively straightforward for most city governments. However, it can be complicated politically, and usually requires education and persuasion, as there are numerous levels of government and fund managers involved.<sup>6</sup> Government officials who want to explore divestment should conduct an assessment of all government funds to determine who is in charge of asset management and the extent of equity ownership in companies with carbon reserves.<sup>7</sup>

**Seattle** was the city that started the local government divestment campaign by divesting all of the city's directly controlled fossil fuel investments, and asking the City's biggest pension funds to remove their funds from fossil fuel-related investments in 2012.<sup>8</sup> Since then, numerous other cities and counties across the US have taken legislative action to divest from fossil fuels. For example, ten other cities joined **Seattle** on April 25, 2013 to launch the Fossil Free city divestment campaign including **Boulder, CO, San Francisco, CA, Santa Fe, NM** and **Eugene, OR.**<sup>9</sup>

Meanwhile, residents are petitioning local governments that have not yet acted to join the movement. In **Massachusetts**, a 95-year old man wrote a resolution to encourage divestment in **Truro** and nearby **Provincetown.**<sup>10</sup> Thanks to concerned citizens, nine municipalities in the state have voted to divest.<sup>11</sup>

In addition to divesting their own public funds, cities and towns can also encourage state entities to do the same. **Berkeley** has called on **California's** state pension fund to stop investing in oil.<sup>12</sup> Universities have also taken action to protect their students' future by exploring divestment of their endowments. In May 2014, Stanford divested from coal companies, while Unity College in **Maine** and Pitzer College in **California** are among the many small schools that have already divested their entire endowments of fossil fuel stocks.<sup>13</sup> Public institutions are not far behind: San Francisco State University's Foundation, which has a \$67.7 million endowment, agreed unanimously that it would no longer invest directly in companies that produce or use coal.<sup>14</sup>

Faith-based organizations and foundations have also used their collective financial clout to advance the divestment movement. Many religious institutions across the United States have done so through the efforts of GreenFaith, a national interfaith environmental coalition.<sup>15</sup> Meanwhile, a coalition of U.S. and global foundations, Divest-Invest Philanthropy, came together in January 2014 with assets of close to \$2 billion to make a commitment to divest from fossil fuels, invest in clean energy, and to recruit other foundations to join them.<sup>16</sup>

Divestment is only the first part of the process. Local governments can also make a further commitment to socially-responsible investment policies. The optimal policy decision is to invest locally. Such policies can stimulate the local job market, promote affordable and sustainable housing options, and improve aging infrastructure. One extremely valuable area for these investments, among many others, is transportation. This includes improved roads, particularly in poverty stricken neighborhoods, pedestrian and bicycle infrastructure, as well as quality public transit.<sup>17</sup> Another option is to invest in the many mutual and exchange traded funds that have been screened and approved for their positive environmental impact.<sup>18</sup> These funds

consist of a wide variety of possible investment opportunities, including public and private equity and fixed income securities.

## **LANDSCAPE AND RESOURCES**

These are just some of the examples of divestment policies that local governments have instituted. For more information, please visit **Go Fossil Free, The Mayors Innovation Project, American Legislative and Issue Campaign Exchange (ALICE)**, and **350.org.**

# EQUITABLE STRATEGIES FOR RENEWABLE ENERGY

## **THE PROBLEM**

Without a movement powerful enough to win bold solutions to the climate crisis, over the coming years low-income communities and communities of color, like the residents of Isle de Jean, LA who are the nation's first 'climate refugees', will bear the brunt of a tremendous and avoidable disaster.<sup>1</sup>

Beyond just mitigating the most catastrophic of climate impacts, however, the work of progressive elected officials and allies should be to seize the unparalleled opportunity presented by the climate crisis to fundamentally rebuild society in a more just and equitable fashion. With social infrastructure reliant on fossil fuels, to mitigate the impacts of climate change is to address how all of the systems of modern life—our buildings, housing, transportation, energy, food, and more—are powered and structured. If we are to avert the worst of the climate crisis, we must rebuild these systems in ways that promote equity and justice.

## **THE SOLUTION**

Renewables are a critical part of the effort to reduce greenhouse gas emissions and address climate change, and cities can play a huge role in their development. Across the country, cities like **Burlington, VT**, **Greensburg, KS**, **Aspen, CO** and **San Diego, CA** are committing to plans to switch from carbon-intensive fossil fuels to 100% renewable energy.

Cities and local governments have the power to transform the production and supply of energy in this nation by using their collective political and purchasing power to influence utilities and by regulating to support the development of utilization of renewable energy sources within their communities. Many local governments that pursue these strategies have done so with a focus on equitable approaches that lower energy costs, increase reliability of service, and democratize energy ownership.

**MUNICIPALIZATION.** Municipalization involves a city or county taking control of its electric or gas system from an Investor Owned Utility (IOU) or Rural Electric

Cooperative (Coop). Currently, there are more than two thousand municipal electric companies in the United States serving more than 43 million people.<sup>2</sup> On the whole, they enjoy lower and more stable rates, higher reliability, and greater responsiveness to residents. Municipalization is also a strategy for cities to respond to consumer demand and provide more energy from renewable sources. Following two public referendums, officials in **Boulder, CO** are taking active steps towards creating a public utility as a way to increase energy efficiency, local renewable energy, and democratic control of the city energy system.<sup>3</sup>

The prospect of municipalization can itself be a powerful and mobilizing force. In **Minneapolis, MN** a group of activists put forward a proposal to create a municipal power company, advocating for a citywide referendum coinciding with the expiration of the city's contracts with two investor-owned utilities. This pressure led to the creation of the first of its kind "clean energy partnership" between the utilities and the city of Minneapolis. The partnership included the creation of a board of public and utility officials to push for energy efficiency and renewable energy programs, including efforts to create "green zones" to improve energy conservation in high risk neighborhoods.<sup>4</sup>

**COMMUNITY CHOICE AGGREGATION.** Established by law in seven states thus far,<sup>5</sup> community choice aggregation (CCA) allows local governments to pool their electricity load in order to purchase power on behalf of their residents, businesses, and municipal accounts. Together, the pooled group can leverage their combined demand to lower rates, increase the supply from renewable sources, establish local control over the utility, and generate local jobs.

In the CCA model, local governments work in partnership with the region's existing utility to determine rates and energy sources. Like municipal utilities, CCAs offer cost efficiencies, flexibility, and local control, but they do not face the same financial and operational burdens of owning their own utility. The most successful

CCA agreements are usually “opt-out,” in which all citizens are enrolled in the program collectively when legislation is passed, but they have the choice of switching back to utility service at any time.<sup>6</sup>

As of 2013, approximately 2.4 million customers were participating in CCAs that source renewable energy, totaling more than 9 million MWh of renewable energy.<sup>7</sup> In **Cleveland, OH**, around 65,000 residents and small businesses participate in the city’s community purchasing program that uses 100% renewable sources. Participants receive a 21 percent electricity bill savings off the market rate.<sup>8</sup> Recently, energy advocates in **Westchester, NY** successfully lobbied the state to allow them to implement a CCA program in the county.<sup>9</sup>

**MICROGRIDS.** Microgrids are smaller, local grids that can incorporate multiple local power sources to supply power in its area. These localized systems are completely customizable, and can generate power from a variety of sources including solar cells, wind farms, geothermal, and fuel cells. Microgrids typically operate parallel to the central grid, alternately feeding the central grid extra energy produced or buying energy when it needs to, and many can also function independently as islands, completely separate from the central grid.<sup>10</sup>

One benefit of microgrids is reliability. With a microgrid, a community can continue to provide power even if the central grid fails. For example, **New York City’s Co-Op City**, one of the largest housing cooperatives in the world, is home to a community microgrid that includes a 40-MW combined heat and power plant that serves 14,000 apartments in 35 towers. During Superstorm Sandy, when power outages blanketed the Northeast, the microgrid continued to provide electricity, heat, hot water, and air conditioning for 60,000 residents.<sup>11</sup> This independence is especially powerful for low-income communities and communities of color that are often the last to see power restored after a crisis.

A pilot project in **Hunters Point in San Francisco** aims to prove that local renewables can supply a significant amount of total electric energy consumption, while maintaining or improving power quality, reliability, and resilience. Hunters Point is a community that has struggled for decades with poverty, unemployment, and toxic waste following the closing of a shipyard. The community’s microgrid will generate at least 25 percent of the local electric energy consumption by deploying 50 MW from solar installations on rooftops or parking lots, serving about 20,000 residential and commercial customers. The project designers estimate that the microgrid will reduce greenhouse gas emissions by 78 million pounds and save 15 million gallons of water annually.<sup>12</sup>

Microgrids are also good economic policy as they increase energy efficiency and lower energy costs. With local production, less energy is wasted through long transmission lines, and local siting of power generation allows users to capture the heat produced from energy production to heat water and buildings. Microgrids are also less costly than building new substations or transmission and distribution lines. The Hunters Point Community Microgrid, mentioned above, would not only add a significant amount of renewable energy to San Francisco. It is predicted to contribute \$233 million to the regional economy and avert \$80 million in transmission related costs over 20 years.<sup>13</sup>

# FRACKING BANS & MORATORIUMS

*“[Fracking] uses massive quantities of water, inserts harmful chemicals into the water system and surrounding environment, contaminates soil, and feeds our national dependence on fossil fuels.”*

—Earthworks, Hydraulic Fracturing

## **THE PROBLEM**

As traditional supplies of natural resources deplete, the fossil fuel industry is taking a different approach to gas and oil extraction through fracking. Unfortunately, this process of extracting natural gas and oil from underground shale rock is under-regulated, highly contaminative, and unsustainable.

Fracking involves drilling and injecting water and chemicals—many undisclosed, due to “trade secrets”—into the ground at a high pressure in order to fracture shale rock. The process uses massive quantities of water, inserts harmful chemicals into the water system and surrounding environment, contaminates soil, and feeds our national dependence on fossil fuels.<sup>1</sup> There is also evidence linking the fracking process to earthquakes—before fracking in **Oklahoma** there was about one earthquake registering above 3.0 on the Richter scale per year. Now the state averages one 3.0 or above earthquake per day.<sup>2</sup> And it’s not just earthquakes—for years communities have dealt with unwanted toxic messes made by companies looking to extract natural resources through fracking.

Major decisions about large-scale fracking projects remain unaddressed by the federal government since profitable oil companies have focused their monetary and political capital on keeping fracking legal.

## **THE SOLUTION**

Much of the anti-fracking movement relies on local action. Some cities have been able to ban fracking

outright, by explicit ordinance or through other means, such as rewriting zoning laws, narrowing road-use regulations, setting noise limits, or recognizing “critical environmental areas.”

## **POLICY ISSUES**

In total, over 400 cities and municipalities in over 20 states have passed local resolutions to either ban fracking or instate a moratorium, including thirty-five in **New Jersey**, thirteen in **California**, ten in **Colorado**, and eighteen in **Michigan**.<sup>3</sup> The movement against fracking continues—in March of 2014, **Los Angeles** unanimously passed a motion directing the city attorney to look into a moratorium on fracking and other well-stimulation techniques.<sup>4</sup> By prohibiting fracking, cities can help eliminate contaminative energy practices and facilitate a just transition towards an economy based on clean energy sources.

Recently, **Texas** enacted H.B 40, which says municipalities do have the right to ban fracking.<sup>5</sup> Some other localities do not have the legal authority to ban the practice. But many cities have chosen to instead call for a moratorium on the practice until further research occurs. These elected officials have described fracking as a public safety issue and have required that the practice be postponed until a host of precautionary measures have been completed, such as EPA impact reports and financial impact reports.

There are a number of other methods municipalities have used to ban or limit fracking. Some communities have held public meetings with fossil fuel corporations



to fully discuss the fracking process, other communities have developed petitions to protest dirty energy development. Fracking has already adversely affected thousands of American citizens. There are over 1,000 documented cases of water contamination next to fracking sites, which have caused a host of health problems such as sensory, respiratory, and neurological damage.<sup>6</sup> Local municipalities have used this specific data to substantiate their claim that fracking is harmful for the community in their fracking bans and moratoriums. Cities have also noted in their bans and moratoriums that the public health dangers of fracking will have consequences on cities' economies, since businesses and consumers depend on clean drinking water to thrive.

Fracking has been exempt from the Safe Drinking Water Act and the Clean Water Act, even though fracking fluid that enters the ground is highly contaminative. The exemption, dubbed the "Halliburton Loophole," was recommended by the Bush administration Energy Policy Task Force in 2005.<sup>7</sup> Measures to amend this loophole in Congress are slow moving: Congressman Jared Polis of Colorado introduced the Bringing Reductions to Energy's Airborne Toxic Health Effects (BREATHE) Act in 2013 only to be stuck in committee for the rest of the session.

However, in 2011, the **City Council of Oneonta, NY** justified its moratorium on fracking by announcing Rights to the Natural Environment, which includes their Right to Clean Water, Right to Natural Communities, and Right to Self-Government. The **City of Oneonta** pointed out that the right to clean water was supposed to be ensured under the Clean Water Act, and the public's right to accessible clean water is threatened by fracking.

As the fracking problem intensifies, local governments are choosing to stand up to fossil fuel companies, reject further depletion of limited resources, and demand the right to clean water and air.

## **LANDSCAPE AND RESOURCES**

**Food and Water Watch** is a public interest organization whose goals are to ensure that we are consuming non-contaminated food and water. It provides a list of local governments' who have passed fracking moratoriums on their website.

**350.org** is one of the leading non-profit organizations for the climate change movement. "Go Fossil Free" is the name of 350's divestment campaign and its website provides information about entities that have already divested, local divestment groups, and existing campaigns.

***"In total, over 400 cities and municipalities in over 20 states have passed local resolutions to either ban fracking or instate a moratorium, including thirty-five in New Jersey, thirteen in California, ten in Colorado, and eighteen in Michigan"***

—**Washington Post**, *How Two Small New York Towns have Shaken Up the National Fight Over Fracking* (2014)

# EQUITABLE INFRASTRUCTURE

## **THE PROBLEM**

From collapsing roads to unsafe water systems and crumbling school buildings, communities across the country are grappling with failing and outdated infrastructure. The American Society of Engineers estimates that a \$4 trillion investment is needed over the next 10 years to bring our infrastructure up to date and prepare for the future. While the needs are great, the Trump Administration seems uninterested in promoting a real plan that will provide the level of public investment needed to address the country's urgent infrastructure needs.

## **SOLUTION**

The United States needs a people-centered plan for real public investment in infrastructure that will support healthy communities and a sustainable economy. In addition to roads and bridges, investments should be made in schools, broadband access, and energy and water systems. Investments should empower women and communities of color while protecting the planet and public health. This includes ensuring that all communities have affordable access to new infrastructure, that career pathways to family-sustaining jobs are created for disadvantaged workers, and that investments are directed to communities that have suffered from a lack of investment. The best way of ensuring these outcomes is by creating meaningful roles for communities to provide input and act as decision makers. Lastly, local governments that retain public control of their infrastructure and aren't bound by public-private partnership arrangements that hand control to private corporations are better able to ensure that infrastructure meets community needs now and can adapt to changing needs in the future.

## **POLICY ISSUES**

Local officials are well positioned to ensure that the community's voice is included in infrastructure decisions, that investments reflect community need, and

that as a public good, infrastructure is democratically controlled. Local officials can:

**TAKE A BROAD APPROACH TOWARD DEFINING INFRASTRUCTURE.** New infrastructure investments should promote access to clean and safe water, affordable broadband, updated and safe schools, affordable housing, and community facilities like parks and libraries. Investments should also address the threat of climate change by prioritizing clean energy and public transportation infrastructure in addition to resiliency infrastructure.

**ENSURE INVESTMENTS ARE MADE IN COMMUNITIES THAT NEED THEM THE MOST** and that projects deliver concrete community and environmental benefits. For far too long low-income communities and communities of color have suffered from a lack of infrastructure investment and have borne the brunt of environmental degradation. New infrastructure investments should prioritize the needs of disadvantaged communities. Local officials can also encourage the use of community benefits policy tools to ensure that new projects deliver concrete benefits including affordable housing, environmental remediation, and community facilities and services.

**MAXIMIZE THE OPPORTUNITY TO CREATE GOOD JOBS.** In addition to failing infrastructure, too many cities are grappling with a lack of quality jobs. Infrastructure investments provide an important opportunity to create family-sustaining jobs, particularly for disadvantaged workers. There are a range of policy tools local officials can use to ensure both high-quality job creation and that pathways are created for low-income workers, people of color, women, and other groups of disadvantaged workers. Community Workforce Agreements provide a comprehensive policy tool that establishes a range of job quality and access standards in addition to conflict resolution provisions that ensure high quality projects are delivered on time. Where these policies aren't feasible, local officials can pursue job quality standards that ensure workers earn a living wage

with benefits, have access to training and apprenticeship opportunities, a safe work environment, and have a voice on the job.

**PROMOTE MEANINGFUL COMMUNITY ENGAGEMENT & TRANSPARENCY** throughout every phase of an infrastructure project to ensure that investments produce vital environmental, economic, and community benefits. Meaningful community engagement in infrastructure projects should begin with early community input and should focus on articulating community needs as well as project selection and design. Legislators can also take several steps to promote a high level of transparency that begins with how community members will access information about a project, which should include early and complete disclosure of the project's anticipated impacts on community and the environment. The public should also be informed about the financing arrangements and procurement methods, including any proposed public-private partnerships. The ultimate goals of transparency and community engagement are to create accountability among all stakeholders and to building beneficial projects. To this end, local officials can include meaningful consequences for failing to meet obligations. Consequences can include clawbacks of public funding, debarment from public contracts and appropriate judicial remedies for those harmed.

**USE FINANCING MEASURES THAT ENSURE AFFORDABLE & ACCESSIBLE INFRASTRUCTURE.** Infrastructure must be affordable and accessible to those who use it, especially to those in low-income communities. However, financing arrangements such as the use of private equity financing through public-private partnerships often rely on high user fees to maximize corporate profits. Furthermore, these contracts may give the private entity wide latitude to raise rates over time, making fees like bridge tolls, water bills, and transit fares expensive and inaccessible. Progressive affordability policies are easier to create when using financing arrangements such as low-cost municipal bond financing.

### ***POLICIES IN ACTION***

**NEW YORK CITY.** Superstorm Sandy caused \$19 billion in damage and shined a light on deep inequality in the city. Low-income residents, communities of color and immigrants were hit hardest by the storm. In its wake, the Alliance for a Just Rebuilding, , advocated for a range of policies that would ensure that the communities hit hardest had access to the relief spending and that the recovery efforts did not further perpetuate pre-existing inequality. In addition to a range of housing and environmental remediation demands, the coalition also won a 20 percent local hiring requirement and the first disaster relief project labor agreement in the country. The Alliance also secured funding for pre-apprenticeship programs and the creation of the Sandy

Funding Tracker, which makes comprehensive reporting on recovery job creation and spending available to the public.

**LOS ANGELES.** In 2012, the Los Angeles Metropolitan Transit Authority (Metro) became the first transit agency in the country to adopt a Construction Careers Policy for all major construction projects, including the \$2.4 billion Crenshaw/LAX Transit Project, an 8.5-mile light-rail line that runs through the heart of LA's Black community. This project improved access to public transit for residents of color and represented an opportunity to address elevated poverty and unemployment rates. Building on a decade of successful targeted hire policies, the Construction Careers Coalition, pushed for a policy that would create pathways for low-income residents and people of color and serve as a template for major infrastructure investments. To date, 58% of work hours on the Crenshaw/LAX Transit Project have been completed by economically disadvantaged workers and 69% by workers of color.

### ***RESOURCES***

**The Campaign to Defend Local Solutions**, based in Florida, is one of the nation's leading organizations devoted to supporting cities and local elected officials facing preemption, by providing communications, media, and litigation support, research, and resources

**Preemption Watch** helps advocates better understand and counter preemption by providing tools, research, and case studies and a bi-weekly newsletter with coverage of federal and state preemption threats. The Partnership for Working Families provides legal, communications, and organizing support to campaigns to stop state interference with progressive local measures.

**The Partnership for Working Families and In the Public Interest** have produced several publications useful to local officials who want to pursue equitable infrastructure. These include:

- Building America While Building Our Middle Class: Best Practices for P3 Infrastructure Projects
- A Guide to Understanding and Evaluating Public-Private Partnerships
- Community Benefits Toolkit

*Co-authored by the Partnership for Working Families*



# FUNDING PUBLIC TRANSIT AND IMPROVING SERVICE

## THE PROBLEM

Cities need to foster and support strong and vibrant communities to compete in the global marketplace. For working families and local businesses to prosper, they need easy and reliable access to the places where they live, work, shop, and play. The *only* way to provide such access sustainably, efficiently, and equitably is through a publicly funded, operated, and maintained mass transit system.

According to a groundbreaking study, the typical metropolitan resident can reach only about 30 percent of jobs in their area via mass transit within 90 minutes.<sup>1</sup> The percentage is even lower for workers in growing low-income suburban communities.

Unfortunately, most American cities and states are struggling to:

- identify ways to reliably fund the transit they have or want,
- properly maintain and expand the transit systems they have, and
- interpret the impact of new providers and technologies on their cities.

These problems will only grow more acute and complex in the years to come. The percentage of Americans who call major metropolitan areas home is expected to grow by a third by 2050.<sup>2</sup> Yet many of the cities experiencing rapid growth have no substantial transit service to speak of, and the historically large cities that do are seeing their transit systems fall into disrepair.

## THE SOLUTION

Municipalities can reverse these devastating trends. But doing so requires leaders to champion two fundamental principles: 1) that transit is a priority public service that requires priority funding, and 2) that priority public services cannot be devolved into private-profit centers.

In most urban areas, the voters are already accepting these fundamentals. Since 2000, more than 70 percent of public-transportation funding measures on state

and local ballots have passed, regardless of region.<sup>3</sup>

In cities like New York where transit was once taken for granted, service failures are transforming public transit into a major state and local election issue.

Rather than treating transit funding and service as burdensome budget line items, local leaders must recognize this spending for what they are: critical infrastructure investments and high-value economic incentives. By centering public-transit funding and service as an economic and civic priority, cities can make significant progress toward reducing income inequality, desegregating communities, shrinking carbon footprints, and encouraging investment and economic growth.

## POLICY ISSUES

There are a series of specific actions local leaders can take to fund transit and improve service while keeping control of systems in public hands. These include:

### EMBRACE CREATIVE AND DIVERSIFIED LOCAL FUNDING OPTIONS

Because federal funds generally cannot be used for operating expenses, transit systems of all sizes need funding from local governments to survive. Funding options can include:

- **Establishing transit-assessment districts** to generate predictable funding in an equitable manner: Land is more valuable when located near high-quality public transit infrastructure. Therefore, it is reasonable to require those property owners seeing asset appreciation contribute some of those gains back into the system that is creating value.
- **Dedicating nominal rental-car taxes**—usually paid by visitors—to support transit operations
- **Flexing Federal Transit Administration (FTA) funds for preventive maintenance** and advocating for the changes in federal law to **allow FTA funds to be used for operations** in crisis situations
- **Embracing congestion pricing** in cities with dense and congested central business districts: Congestion pricing both generates significant revenue and



discourages automobile use where transit is widely available.

- **Joining leading municipalities in adding or increasing fees on for-hire vehicles**, especially transportation network companies like Uber and Lyft, and dedicating the revenue to transit operations

#### MAKE RIDERSHIP EASIER AND MORE AFFORDABLE

Besides funding initiatives, cities can also adopt policies to get more people to ride public transit. These can include:

- **Supporting model legislation that requires certain employers offer federal tax-free commuter benefits** to their employees: Under the Federal IRS Code, private employers, nonprofit organizations, and public agencies can provide transit commuter benefits to employees, tax-free. Employees do not pay federal income or payroll taxes on transit commuter benefits, except on the amount (if any) in excess of \$260 per month.
- **Implementing discount fare programs for low-income households**, which can increase ridership and help deter fare evasion while alleviating income inequality by assisting residents with transportation costs, one of the highest household expenses
- **Investing in bus infrastructure at the street level**, including off-board fare payment systems and level boarding platforms, both of which drastically reduce delays and streamline bus travel

#### IMPLEMENT AND PROTECT TRANSIT LABOR STANDARDS

A frequent cause of service decline in paratransit and fixed-route bus systems is high employee turnover. This is especially true in privatized systems, which pay drivers far less and offer fewer benefits than public agencies.<sup>4</sup> The result is annual employee turnover as high as 40 percent,<sup>5</sup> meaning fewer experienced operators behind the wheel, agencies using a smaller workforce that requires high overtime and insurance costs, and bloated budgets for recruitment and training. Local officials can reduce costs and improve service by implementing higher labor standards. These could include:

- **Avoiding use of or winding down agreements with private contractors** and directly managing public transit agencies
- **Using prevailing industry wage and benefit standards** that create career jobs so that transit workers can afford to stay working in the system where they were trained
- **Procuring safe buses** that include pneumatic shields and limited blind spots to protect operators from assaults and crashes: Incidents like these cost rider, pedestrian, and worker lives. They also create extraordinary costs, including turnover when traumatized workers are unable to return to the job.

#### CITY AND COUNTY MODELS

In Seattle, King County Metro launched the Orca Lift program to offer reduced fares to low-income riders in 2015.<sup>6</sup> To qualify for the discounted fare, a rider must live in a household with an income less than twice the federal poverty level (\$24,276 annually for an individual in 2018). The reduced fare cards are distributed across a countywide system of more than 40 community colleges, food banks, human service providers, nonprofit organizations, and health centers. A study conducted a year after the program began found that 42 percent of passengers took more frequent bus and light-rail trips after receiving their ORCA Lift card.<sup>7</sup>

In London, congestion pricing covering an eight mile heavily trafficked business district was instituted in 2003. Motorists entering central London between 6 a.m. and 6 p.m. are charged an additional five pounds per day, thus generating an influx of additional revenue for the city. In its first decade, the city grossed over £2.6 billion, half of which was invested in public-transit and infrastructure improvements.<sup>8</sup>

Cities like Chicago, New York, Portland, and Philadelphia have instituted fees on ride-sharing services such as Uber and Lyft to pay for transit improvements. In 2017, the city ride-share fee in Chicago was increased by 15 cents and the millions of dollars in extra revenue designated to help the Chicago Transit Authority improve and repair its aging rail lines.<sup>9</sup> Washington, D.C., is also currently considering a ride-share fee.

#### LANDSCAPE AND RESOURCES

**Americans for Transit (A4T)** is a national nonprofit dedicated to creating, strengthening, and uniting grassroots transit rider organizations and advocacy campaigns across the country. In addition, A4T offers an online organizing directory and a rider organizing manual to help guide rider-led initiatives.

**The Eno Center for Transportation** is a non-partisan think tank that promotes research and policy aimed at improving public transit. Its website features a list of comprehensive research reports that examine transportation issues and provide policy-based recommendations.

**The Texas A&M Transportation Institute** offers a robust collection of research on a wide range of transportation related issues. The Institute offers an expansive catalog of publications by field experts that can be ordered for reference.

*Co-authored by the Amalgamated Transit Union*





# LIVABLE CITIES

**“[Every Sunday in Bogotá] over 70 miles of city streets are closed to traffic where residents come out to walk, bike, run, skate, recreate, picnic, and talk with family, neighbors & strangers... [Recently I visited and it was] simply one of the most moving experiences I have had in my entire life.”**

—Clarence Eckerson, Jr., StreetFilms

In the past twenty-five years, the New Urbanism movement has envisioned a revitalization of cities through design and planning that emphasizes:

- *Livable streets arranged in compact, walkable blocks;*
- *A range of housing choices to serve people of diverse ages and income levels;*
- *Schools, stores and other nearby destinations reachable by walking, bicycling or transit;*
- *An affirming, human-scaled city with lively streets and public spaces.<sup>1</sup>*

Here are some of the many ways that legislators can help revitalize their communities.

## **INVEST IN PUBLIC TRANSIT**

**Los Angeles**—long the mecca of automobile America—has embarked on an incredible investment in subways, rapid bus, bike lanes, and denser mixed-use neighborhoods.<sup>2</sup> But transit is not just for the country’s biggest cities. From 1995 through 2013, public transportation ridership increased by 37.2%—a growth rate higher than the 22.7% increase in U.S. population and higher than the 20.3% growth in the use of the nation’s highways over the same period.<sup>3</sup> **Missoula, MT** has built an excellent bus system that ferries people to every part of the city. **Denver** offers a free shuttle bus through its bustling downtown. Cities like **Eugene, Las Vegas, Boston,** and **Kansas City** have invested in bus rapid transit with dedicated bus lanes or signal priority and other features that can make it preferable to driving for thousands of residents.

Alongside better transit should be “transit-oriented development”: relatively high density, mixed-use residential and commercial space that facilitates efficient and full use of the transit options by pedestrians who live and work nearby. Residential property values perform 42 percent better on average

if they are located near public transportation with high-frequency service. **Arlington, VA** has permitted development surrounding two of its metro stations, leading to significant economic growth. For every \$1 communities invest in public transportation approximately \$4 is generated in economic returns.<sup>4</sup>

Here are five strong public policy reasons to invest in transit and transit-oriented development:

- *It creates good jobs and a reliable return on investment: with good transit, families save money, businesses gain customers, and the unemployed are put to work;*
- *It dramatically improves life for senior citizens, poor people, and youth, who depend on public transit to get to work, buy food, and live a full life;*
- *It reduces our reliance on fossil fuels, which is crucial to combating climate change;*
- *It reduces traffic and cleans our cities’ air;*
- *It facilitates and encourages walking and biking, which makes us healthier.<sup>5</sup>*

Among the many victories in the 2012 elections was strong voter support for this vision: pro-transit campaigns had an 80 percent victory rate in a year that saw a record number of ballot measures.<sup>6</sup> For example, **Arlington County, VA** voters approved a bond measure to fund Metro subway projects, street repair, bike/pedestrian infrastructure, and traffic calming. And **Orange County, NC** voters approved a half-cent sales tax that will fund new busses and bus service, an Amtrak station, and a light rail connection from the University of North Carolina to downtown Durham.

## **CREATING SAFE AND “COMPLETE” STREETS**

Although over 32,000 people were killed in traffic accidents in 2011, there is essentially no national dialogue on this issue.<sup>7</sup> We need not accept these tragedies as the cost of modern society. Cities can take the following approaches to keeping their residents safe:

**DESIGNING COMPLETE STREETS:** **Seattle’s** City Council has required the use of this guiding principle: “to design, operate and maintain Seattle’s streets to promote safe and convenient access and travel for all users—pedestrians, bicyclists, transit riders, and people of all abilities, as well as freight and motor vehicle drivers.” Cities as diverse as **El Paso, TX; Newark, NJ; North Little Rock, AR; Onalaska, WI; and Scottsdale, AZ**, have recently adopted similar policies. Cities can make engineering modifications to calm traffic and make streets dramatically more pedestrian and bike friendly: wider sidewalks, fewer and narrower lanes, speed bumps, raised pedestrian crosswalks, and protected bike lanes.<sup>8</sup>

**INVESTIGATING CRASHES AND PUNISHING DANGEROUS DRIVERS:** Street safety should be prioritized by police departments.<sup>9</sup>

**PROPERLY PRICING SPACE:** Urban space is valuable and scarce. Rather than subsidize the inefficient and dangerous reliance on cars, cities like **Los Angeles, Santa Monica, New York, and Seattle** have begun to use smart parking systems that adjust the price of parking depending on demand to reduce traffic, raise revenue, make it easier to find parking, and encourage other forms of travel.

In 2011, the city of **San Francisco** set up new high-tech meters and ground sensors in several parts of downtown to tell how busy these blocks and city parking lots were. Over the next two years, the city shifted parking costs upward on 37 percent of the time segments per blocks or lots, while at another 37 percent, the prices dropped.

Overall, driving in the pilot areas went down by about 2,400 miles per day—and circling dropped by 50 percent. Correspondingly, that helped reduce greenhouse gas emissions by 30 percent. Meanwhile, drivers reported that it took them 43 percent less time to find parking.

## **REBUILD OUR PUBLIC SPACES**

Around the country, cities are creating new public spaces where parents, children, friends, retirees, and workers can congregate together. In 2008, **Houston** opened Discovery Green, a twelve acre park adjacent to its convention center and two sports stadiums and walking distance from its commercial downtown. Over a million people use it every year and it is revitalizing the city center.<sup>10</sup>

At 30th Street train station in **Philadelphia**, lanes of parking spaces were transformed into The Porch—a plaza with games, movable chairs and tables, farmers’ markets, and concerts. Just outside of a major subway stop in the heavily immigrant neighborhood of Corona, **New York City** has turned an underused street and group of parking spaces into a vibrant pedestrian plaza, teeming with life.<sup>11</sup>

## **LANDSCAPE AND RESOURCES**

The **National Complete Streets Coalition** is helping to coordinate campaigns for safe streets around the country, at the city, state, and federal levels. They offer tremendous resources and can give cities and advocates technical assistance in developing a Complete Streets policy.

### **The Equity Caucus at Transportation for America**

—“formed by the nation’s leading civil rights, community development, racial justice, economic justice, faith-based, health, housing, labor, environmental justice, tribal, public interest, women’s groups and transportation organizations—drives transportation policies that advance economic and social equity in America.”

Since its founding in 1975, the **Project for Public Spaces** has collaborated with 2,500 communities and cities to help them build successful public spaces and create healthy, sustainable, and economically viable cities of the future.

**The StreetsBlog** network of websites provides an excellent entry point for news, policy, and advocacy surrounding the livable streets movement.

# CONSTRUCTION IN THE SOUTH

## **THE PROBLEM**

Economic hardships, few or no opportunities for career advancement, unstable work, injuries and even death on the job are all commonplace for construction workers in the South. Health and safety on the job is of particular concern, as the number of injuries and deaths have risen with industry growth. Nationally, more than 900 construction workers were killed on the job in 2015.

Workplace injuries are common and low wages place a significant economic burden to workers and their communities. One in seven workers have been injured during their construction career, and more than one in three has suffered an injury in the last 12 months, with just 5% being covered by worker's compensation. These injuries cost cities an estimated \$1.47 billion annually in medical expenses, lost wages, lost productivity, lawsuits, and the cost for families caring for injured workers. Most construction workers are earning less than \$15 an hour and more than one in ten have experienced wage theft in their construction career. The median amount of wages stolen was \$800 or 57 hours of labor for the average construction worker, resulting in a loss of \$29.8 million annually. In addition, one of three workers is misclassified as an independent contractor, denying workers their rights to minimum wage, overtime, and burdening families with the employer's share of payroll taxes.

## **THE SOLUTION**

As the construction industry continues to grow in the South, now is the time for policymakers and industry leaders to ensure that all construction jobs offer family-supporting wages, decent benefits, and safe working conditions to the essential labor the industry receives. More specifically, local solutions should focus on the following.

**PRIORITIZING SAFETY.** Employers should provide at least OSHA 10-hour safety training for all employees and provide ongoing health and safety training throughout the year. Contractors must also ensure that all workers receive proper safety equipment, rest breaks, and workers' compensation. Workers should also have an anonymous system to address safety concerns with their direct employer, or with the general contractor and developer, without fear of retaliation.

**GENERATING INVESTMENTS IN TRAINING.** Employers must see training as a necessary investment that helps (a) ensure workers are able to produce a quality finished product, (b) prevent accidents, and (c) provide opportunities to advance in the industry. Collaborations and partnerships among construction employers and associations, education providers, and local governments can help create training pipelines where jobseekers learn the skills they need to fill labor shortages in the industry. Formal training can play a key role in improving the quality of construction jobs, and help offset the severe construction labor shortages experienced by construction employers throughout the South.

**QUALITY IN SUBCONTRACTING.** Developers and general contractors should take into account working conditions, including worksite safety, rest breaks, wages, training, and benefits when hiring subcontractors. Rather than simply considering price, developers should give preferential status to bidders that demonstrate a track record in providing fair pay and benefits along with a strong safety program.

## **THE ROLE OF LOCAL OFFICIALS**

While some of the issues confronting the construction industry are regulated principally at the federal

and state, local officials have significant opportunities to advance these priorities through policies and programs that will shift conditions.

**GUARANTEE SAFE WORKING CONDITIONS.** To address the disproportionately high fatality and injury rates in the construction industry, local officials may adopt requirements for inclusion in public construction contracts that require safety training for supervisors and workers. They can also work at the state level to strengthen requirements for rest breaks, safety training, and workers compensation and medical care for construction workers.

**ENSURE HONEST PAY FOR HONEST WORK.** Wage theft, payroll tax fraud, and low wages threaten the construction industry by hurting working families and undercutting construction businesses that play by the rules. Local officials can both adopt and enforce strong wage standards. Local agencies can investigate noncompliance with and enforce laws governing wages and the payment of payroll taxes, as well as provide protection from retaliation for workers who report violations.

**CREATE GOOD JOBS WITH A CAREER PATHWAY.** Most construction jobs lack employment benefits or opportunities for advancement, and today, few young people see the industry as desirable place to seek employment. A basic benefits package should be offered to the vast majority of construction workers rather than to a small minority.

**IMPROVE ENFORCEMENT OF EXISTING POLICIES.** Many of the employment rights issues, as well as the health and safety issues faced by construction workers are addressed by existing laws, but enforcement is often weak or non-existent. Local officials can increase funding for and improve the effectiveness of local agencies that investigate compliance with and enforce laws that protect workers from wage theft, employee misclassification, hazardous conditions, and retaliation for raising concerns about workplace issues. Policymakers should also partner with community organizations that work with low-wage construction workers to improve the efficiency and effectiveness of existing enforcement efforts.

### **SUCCESSFUL EFFORTS TO IMPROVE CONDITIONS**

- Better Builder Program: Developed by Workers Defense Project, the program certifies real estate developers, public institutions, and companies who commit to investing in good and safe working conditions for construction workers.
- Workers Defense Project has worked with the cities of **Austin** and **Dallas** to successfully pass Rest Breaks Ordinances requiring employers to provide paid 10-minute rest breaks for every 3.5 hours of work on construction sites.

- Georgia Stand-Up successfully fought for the inclusion community-benefits language to the \$1.7 billion BeltLine project, a 25-year development that will include a 22-mile transit system, 1,200 acres of green space and trails, 30,000 permanent jobs and 48,000 construction jobs, and a predicted \$20 billion in private development. This includes a First Source Hiring Policy requiring the Utilization of Pre-Apprenticeship Programs and Apprenticeship Programs, and Prevailing Wage requirements.
- Most recently, Stand Up Nashville (SUN), a coalition of community and labor organizations in **Nashville**, are successfully moving efforts to guarantee transparency and contractor accountability on city-subsidized projects in light of the increase of injuries and fatalities in the region.

### **RESOURCES**

The Partnership for Working Families and Workers' Defense Project have collaborated to produce a new major study of construction work in the South, called *Build a Better South*.

**Workers Defense Project** organizes construction workers and fights for safe and dignified working conditions that allow working families in Texas to escape the cycle of dangerous and dead-end jobs. With offices in **Austin, Dallas, and Houston**, Workers Defense Project has won policies to create hundreds of thousands of good jobs in Texas and has authored two previous studies detailing working conditions in the construction industry in Texas.

**The Partnership for Working Families'** network of affiliates have pioneered campaigns to improve job quality and job access in the construction sector and the Partnership has several online resources available regarding construction jobs, including the Construction Careers Handbook.

*Co-authored by the Partnership for Working Families*





# ENDING WAGE THEFT

## **THE PROBLEM**

The economic struggles of low-wage workers are exacerbated by rampant wage theft. A recent study by the Economic Policy Institute found that just one form of wage theft—paying workers below the applicable minimum wage—affects 17 percent of low-wage workers, and estimated that US employers steal over \$15 billion each year in minimum wage violations. Beyond hurting individual workers, wage theft hurts local economies, increases the poverty rate, reduces tax revenues, and puts law-abiding businesses at an unfair disadvantage. New York, for example, is deprived of nearly \$1 billion in consumer spending each year due to wage theft.

Enforcement of workplace rights is severely under-resourced—the U.S. Department of Labor has only 1,000 investigators for the more than 7 million workplaces nationwide. Even in states with relatively pro-worker governments, the agencies that enforce workers’ rights are too underfunded to undertake comprehensive and timely investigations. Yet workers are unable to make up for lackluster public enforcement power by taking their employers to court, hamstrung by unreliable or absent attorneys’ fees provisions, challenges in collecting judgments, and pre-dispute arbitration requirements buried in the fine print of employment contracts. These “forced arbitration” clauses foreclose judicial remedies, while making it nearly impossible to achieve justice through arbitration.

## **THE SOLUTION**

As cities enact innovative workplace protections such as earned sick leave, paid family leave, and fair workweek protections, it is more important than ever to ensure that effective enforcement delivers on those legislative promises. Policymakers can build consensus around strong wage theft prevention policies that crack down on law-breaking employers and allowing law-abiding businesses to compete in the marketplace. Even cities constrained by preemption can use innovative policies to enforce wage theft laws.

## **POLICY APPROACHES<sup>2</sup>**

**BETTER ENFORCEMENT SYSTEMS:** Cities that have the power to enact their own minimum or living wage can create local enforcement agencies to prevent wage theft. In **San Francisco**, the Office of Labor Standards and Enforcement (OLSE) investigates wage theft claims and enforces the city’s minimum wage and wage theft standards through collaboration with other city agencies—the Department of Public Health can revoke health permits from certain violators, the Office of Small Business educates business owners, and the Office of the Treasurer and Tax Collector collects from employers who fail to pay. In cities where enacting a minimum wage is preempted, there are other innovative ways to prevent wage theft. For example, in Florida, **Miami, St. Petersburg**, and **Osceola County** (home of Orlando) all established Wage Theft and Wage Recovery programs with mediation and administrative hearing processes to enforce state and federal wage laws.

The most effective wage theft prevention programs deputize community organizations to educate workers about their rights, investigate violations, and help workers file complaints. **Burlington, San Francisco, Seattle**, and other cities give grants to community-based organizations to provide linguistically and culturally appropriate outreach to low-wage workers who are most at risk of wage theft, including conducting know-your-rights trainings, consulting with workers about suspected violations, and resolving or referring complaints. Organizations that have gained workers’ trust can make a unique contribution to enforcement by empowering workers to speak up about noncompliance.

Investigation and enforcement procedures should encourage workers to come forward by protecting the confidentiality of complaints, allowing third parties (such as worker centers) to initiate complaints, and investigating an entire workplace based on the complaint of one worker. These steps are especially important to protect undocumented workers.



Industry-specific wage theft legislation can target industries where wage theft is rampant, and may be a good approach in cities where more universal provisions are not feasible or to pilot more innovative and aggressive policies. **New York City's** Car Wash legislation, for example, requires car washes to post a surety bond as a condition of receiving a business license.

**BETTER INFORMATION:** Cities can require employers to explicitly inform employees of their rights. In **Santa Fe**, failure to prominently post wage information in both English and Spanish can result in a business's license being suspended or revoked. Cities can also require employers to inform the public of wage violations. In **San Francisco** and **Washington, DC**, employers are required to inform workers of pending investigations. They are also required to post a notice to the public if they have failed to comply with a settlement or decision. And in **Houston**, any company with a record of wage theft is listed on a public online database for five years. Employers in high-violation industries could be required to pay for training, so that workers are informed about their rights and the enforcement process.

**ZERO TOLERANCE FOR RETALIATION:** Cities with minimum wage power should severely penalize retaliation by employers. **Santa Fe's** ordinance states that any adverse action against a worker within 60 days of filing a wage theft complaint raises a rebuttable presumption of retaliation. Cities should also define retaliation broadly, to capture all the forms of retribution that employers use to intimidate workers, such as threatening to inform authorities about a complaining employee's immigration status or reducing weekly work hours. Retaliation protection should extend to workers who mistakenly but in good faith allege violations of law.

Even cities without the power to set wages could pass catch-all whistleblower and anti-retaliation laws. Such laws could create strong penalties for any employer who punishes a worker who attempts to exercise her legal rights on the job, inform another person of his or her rights, or speak out about any legal violation. Although Federal Law preempts cities from establishing penalties specifically for retaliating against workers for collective action, a broad anti-retaliation law can give workers protection while surviving preemption.

**DAMAGES, PENALTIES, AND SANCTIONS:** Workers are often unable to recover money owed to them, even after a favorable judgment. Cities can tackle this problem by mandating that employers in high-violation industries post surety bonds. Cities could also establish wage liens, which give workers a claim

**“30% of tipped workers are not paid the tipped worker minimum wage and 76% of low-wage workers who work overtime were not paid the legal overtime rate, averaging out at about eleven unpaid or underpaid overtime hours per week per worker.”**

—**National Employment Law Project**, “Broken Laws, Unprotected Workers”

against employer's property until a dispute is resolved, thereby incentivizing payment from employers.

Even when employers pay back the wages owed, the cost of restitution is often too minimal to affect the employer's bottom line. Furthermore, cities often fail to pursue administrative penalties, because the cost of holding a hearing exceeds the potential revenue. Without these economic penalties, there is little incentive for employers to adhere to the anti-wage theft law.

In order to deter wage theft and encourage employee reporting, cities with minimum wage power should require employers to pay workers treble or quadruple damages. **Washington, DC's** law allows workers to recover four times their unpaid wages. Cities can also increase the severity of their administrative penalties. DC's law allows for penalties from \$50-\$100 per worker per day, to be paid to the city. Cities can also impose heavier penalties for repeat violators.

Cities can also use license revocation as a way to increase sanctions. **New Brunswick** and **Princeton** have passed laws allowing refusal to grant or renew the license of a business found guilty of wage theft.

Lastly, cities can use criminal laws to increase sanctions. Thirty states have criminal penalties for unpaid wages, and thirty-eight states have a criminal theft of services provisions. In **Washington, DC**, any employer who violates the wage theft law can be found guilty of a misdemeanor and sentenced to up to 90 days and prison and a \$50,000 fine.

### **LANDSCAPE AND RESOURCES**

For more on local wage theft enforcement, contact Rachel Deutsch at the **Center for Popular Democracy**: rdeutsch@populardemocracy.org.

# ENSURING A FAIR WORKWEEK

## *Stability & Opportunity for Hourly Service Workers*

**“Employers should be required to give employees advance notice of their work schedule, such as the four weeks’ notice that 39 percent of workers currently receive.”**

—Susan J. Lambert, *Schedule Unpredictability among Young Adult Workers*<sup>1</sup>

### **THE PROBLEM**

Recent years have seen a dramatic expansion of low-wage, no-benefit jobs in the service industry. Although millions of workers are benefiting from a higher minimum wage, those gains are being undercut by unstable work hours driven by so-called just-in-time scheduling practices, named for their practice of giving just a few hours of notice to workers. Hourly workers in retail, food service, hospitality and health care struggle with unpredictable, unstable work hours and must remain available to work at any hour, yet they cannot count on minimum work hours or income. Recent studies of hourly workers in food service and retail jobs also show that at least half are trapped in part-time jobs but need more hours to survive.<sup>2</sup>

Income volatility is just as significant in undermining families’ economic security as low wages and is primarily driven by just-in-time scheduling practices.<sup>3</sup> A just-in-time workforce experiences profound insecurity: workers cannot predict their hours or pay each day, and consequently cannot make time for school, child and family care, or a second job. Variable schedules are linked to negative health outcomes, including poor sleep and psychological distress.<sup>4</sup> Parents with volatile schedules report spending less time with their children in developmental activities and report higher levels of parenting stress.<sup>5</sup>

People of color are most likely to work in jobs with unpredictable part-time hours.<sup>6</sup> Parents—especially women—struggle to get promoted into full-time or higher paying jobs because employers refuse to accommodate their family responsibilities.<sup>7</sup> Ensuring stable, predictable work hours with real opportunities for

full-time employment is a critical component of any strategy to create good jobs in our cities, particularly with respect to ensuring equitable opportunities for women and communities of color.

### **THE SOLUTION**

**PREDICTABLE, STABLE SCHEDULES:** Employers should be required to provide employees with schedules they can count on and reliable paychecks that make it possible for working people to plan ahead to meet their responsibilities on and off the job.

- A good faith estimate of weekly work hours upon hiring allows employees to anticipate average weekly hours and income.
- Advance notice of schedules allows working people to have a dependable schedule they can manage even if their schedule varies from week to week. Although 39 percent of hourly workers currently know their schedules four weeks or more in advance,<sup>8</sup> a startling 40 percent of hourly workers know their schedule less than one week in advance.<sup>9</sup> In fact, 28 percent of hourly workers have three days or less advance notice<sup>10</sup> However, technological innovations make it easier than ever for employers to plan work schedules in advance so that hourly employees can manage the many demands on their time, work hard, and plan a budget to pay their bills. Ordinances in **San**

**Francisco, Seattle, New York City, and Emeryville** now require large retail and food-service employers to provide two weeks’ notice of work schedules. Last year, Oregon became the first state to pass a statewide legislation that requires large retail, food service, and hospitality employers to provide scheduling notice seven days in advance, subject to increase to two weeks’ notice beginning in July 2020. Employers may update schedules as necessary after posting, provided that employees may decline any additional, unscheduled hours—allowing workers to make plans based on the posted schedule.

- Predictability pay compensates employees when accommodating their employer’s last-minute scheduling changes. Predictability pay is similar to overtime pay, because it rewards employees who go above and beyond in order to be available on short notice. Predictability pay also creates an incentive for managers to plan ahead instead of determining work schedules at the last minute. In most fair-workweek laws, workers earn one additional hour of pay at their regular rate for changes or additions to the schedule, and are paid for half of all scheduled but unworked hours when shifts are canceled or they are kept “on-call” without work.

#### **PROMOTING ACCESS TO FULL-TIME EMPLOYMENT**

**AND CAREER GROWTH:** Restoring family-sustaining jobs helps our communities thrive. Millions of Americans want to work more hours to support their families, but many employers in retail and food service prefer to maintain a large part-time workforce where no one gets enough hours to make ends meet. The unpredictable schedules many hourly workers face make it especially difficult to generate a full-time income by holding multiple part-time jobs.

Ordinances in **San Francisco, Seattle, Emeryville, New York City, and San Jose** now require employers to offer extra shifts to current employees before hiring additional staff. This simple commitment allows employees who want to work more hours to do so at their current job, an arrangement that is more stable for working people. Access to hours is especially important for those employees with family responsibilities and increases both productivity and retention.<sup>11</sup> Job training should also be offered across frontline job classifications, increasing opportunities for promotion.

**HAVING A SAY IN WORK SCHEDULES:** Ensuring flexible, responsive work schedules helps create an invested, more productive workforce. Employees should be able, by law, to set reasonable limitations on their schedules so that they can stay healthy, pursue educational opportunities, and spend time with their families. A right to request specific scheduling accommodations—currently protected by law in **San Francisco,**

**Seattle and Emeryville,** as well as Vermont, New Hampshire, and Oregon—allows employees to ask for schedules that allow them to meet their various obligations without being unfairly penalized. One-third of early-career workers currently have some input in their schedules, but half have no say at all; many employees report facing retaliation for simply requesting that their employers accommodate their obligations outside of work.

Guaranteeing that every worker has the right to adequate rest between shifts is crucial to community well-being. The practice of “clopening” (requiring an employee to close late at night and open early the next morning, often with as little as six hours in between to commute and sleep) is dangerous for hourly workers and those who share the road with them. The right to decline such shifts and to earn premium pay when an employee agrees to work them is now law in Seattle, Emeryville, New York City, and the state of Oregon.

In 2019, Philadelphia passed the most expansive fair workweek legislation in the country, ensuring 130,000 people working in retail, food establishments, and—for the first time—hospitality, will have access to additional hours, advance notice of their work schedules, compensation for when their employers change the posted schedule, and a guaranteed right to rest between shifts.<sup>12</sup>

#### **LANDSCAPE AND RESOURCES**

For more information about this issue, please visit **The Fair Workweek Initiative** at [www.populardemocracy.org/fairworkweek](http://www.populardemocracy.org/fairworkweek).

# ENSURING RACIAL EQUITY IN PUBLIC CONTRACTING

*“We have to build a city that creates opportunity in a way that reflects the diversity of our city.”*

—Cincinnati mayor **John Cranley**, on supporting a Department of Economic Inclusion.

*“For Memphis to grow, we have to place some level of priority on the inclusion and growth of minority- and women-owned businesses”*

—**Darrell Cobbins**, president and CEO of Universal Commercial, a Black-owned business in Memphis.

## **THE PROBLEM**

Businesses owned by people of color create jobs and build wealth in communities of color. Yet despite rapid growth of entrepreneurship among people of color—and women of color in particular—these businesses face significant barriers to growth and success. Government spending on construction, goods, and services is a potential opportunity to advance economic inclusion, but municipalities often under-contract with businesses owned by people of color. In **Shelby County**, TN, for example, only 6 percent of county contracts went to Black-owned companies<sup>1</sup>, despite the fact that the county itself is 53 percent Black, and **Memphis**, the largest city in the county, has the second highest rate in the country of Black-owned businesses, at 56 percent.<sup>2</sup>

There are many reasons local governments have so often failed to provide fair contracting opportunities to businesses owned by people of color. They range from outright corruption and nepotism, to banal bureaucratic processes that smaller, understaffed, and overworked businesses do not have the time or ability to navigate which is especially pertinent because the vast majority of businesses owned by people of color are small businesses. These issues are compounded by legal hurdles that make race-conscious laws and ordinances, even though aimed to benefit minority business interests, subject to constitutional challenges.

## **THE SOLUTION**

Municipalities can leverage their contracting and procurement power to increase racial equity within their local business community. This brief focuses specifically on public contracting with businesses owned by people of color, recognizing the unique historic, structural, and legal considerations that affect these communities.

## **POLICY ISSUES**

Key strategies that elected officials can support to advance racial equity in public contracting are:

**BUILD UP THE NUMBER AND CAPACITY OF ELIGIBLE MBES & DBES:** Minority Business Enterprises (MBEs) are businesses that are certified to be at least 51 percent owned, operated, and controlled by people who are Asian, Black, Latino, and/or Native American.<sup>3</sup> While most businesses owned by people of color are eligible to become certified MBEs, many are not certified because they don't know about it or the process is too onerous. Based on a recommendation from Mayor John Cranley's Economic Inclusion Advisory Council, the City of **Cincinnati** created the Department of Economic Inclusion in 2015 to support more businesses owned by people of color and women becoming certified and winning contracts with the city.<sup>4</sup>

The U.S. Department of Transportation requires all transportation agencies to operate a program for Disad-



vantaged Business Enterprises (DBEs), which includes people of color, women, and others who are considered economically disadvantaged.<sup>5</sup> In **New Orleans**, the Regional Transit Authority commissioners, after determining they were underutilizing companies owned by people of color in their contracts, revamped their bidding and provided increased support for businesses to navigate the process to be certified as DBEs and build up their capacity to pursue contracting opportunities. DBE participation in contracts increased from an average of 11 percent to 31 percent within a year, resulting in over \$17 million of additional capital going to these businesses.<sup>6</sup>

**INCREASE ACCESS TO CAPITAL:** Undercapitalization is a major problem for businesses owned by people of color, which impedes a firm’s capacity for contract mobilization, equipment purchase, making payroll, and timely payment of taxes. Lack of access to mainstream capital is a challenge disproportionately experienced among business owners of color.<sup>7</sup> Procurement strategies that provide at least some payment to small businesses up-front and city programs to help with bonding and insurance for construction contractors can help increase access to capital and support these businesses. In **Rhode Island**, the Department of Transportation implemented a low-interest loan program exclusively for firms owned by people of color to increase their ability to bid on highway infrastructure contracts. This program not only increased the total investment going to DBEs, but also promoted activity by minority owned firms in business areas in which the state had previously not had any certified DBEs.<sup>8</sup>

**LEGAL CONSIDERATIONS:** Goals for inclusion have been a part of government contracting practices since the early 1960’s. However, powerful business interests have argued in federal courts across the nation that racial equity in government contracting does not serve a compelling government interest, and the courts have applied strict scrutiny and narrow-tailoring legal notions to programs and policies that increase government contracting with businesses owned by people of color. To overcome these legal challenges, municipalities must be able to prove their ordinances are remedying the effects of discrimination that result in real economic or physical harm to minorities.<sup>9</sup> Tools such as disparity studies—which measure the level of utilization of MBEs and Women’s Business Enterprises on public contracts and compares these rates to the number and capacity of these firms in related industries—can help municipalities meet their legal burden of proof. **Shelby County, Cincinnati**, and many other municipalities have used disparity studies to document where race- and gender-conscious programs are needed to address inequities in contracting.

Some cities and states are required to operate race-neutral

programs to achieve racial and gender inclusion in contracting.<sup>10</sup> Race-neutral strategies include practices such as matchmaker sessions to connect prime contractors to subcontractors from disadvantaged backgrounds and advisory committees to provide programmatic recommendations. While these programs can help increase business opportunities for firms owned by people of color, they are likely to have less strong outcomes than racially-targeted policies and programs.

## **LANDSCAPE AND RESOURCES**

The **National Minority Supplier Development Council** advances opportunities for businesses owned by people of color and is the primary certifier of MBEs, with 24 regional council nationwide. The **U.S. Department of Commerce Minority Business Development Agency** provides helpful resources and research on businesses owned by people of color. The **Local & Regional Government Alliance on Race & Equity** offers online resources on equity in contracting.<sup>11</sup> The **Emerald Cities Collaborative** has affiliates around the country that are advancing equitable contracting and hiring practices, particularly in green infrastructure projects.

*Co-authored by Judith Dangerfield*

**PolicyLink**



# ESTABLISHING PARTNERSHIPS TO IMPROVE ENFORCEMENT OF WORKPLACE STANDARDS

## **THE PROBLEM**

Local governments across the country have passed laws to raise the minimum wage; allow workers access to essential benefits like sick leave and fair scheduling; and provide protections against discrimination and harassment. Unfortunately, violations of these laws are widespread, with research finding that more than two-thirds of low-wage workers experienced a pay-related violation in just the past week.<sup>1</sup> Local governments face a significant challenge enforcing their workplace laws. Federal wage and workplace safety investigators are not empowered to investigate violations of higher state and local standards. State and local inspectors are often under resourced—but even if they were more fully funded, they could never have enough staff to check on all workplaces, nor would they necessarily have the trust of vulnerable workers—as those workers who are most likely to have their rights violated are often the least likely to come forward.<sup>2</sup>

## **THE SOLUTION**

Local governments need to do many things to ensure workplace laws are properly enforced, including providing adequate funding for government inspectors and making clear statements that workplace law enforcement is a priority. But a critical element of any enforcement strategy is partnering with worker and community organizations to enforce these laws, as Janice Fine, associate professor of labor studies and employment relations at Rutgers University, and Jennifer Gordon, professor of law at Fordham University, have forcefully argued.<sup>3</sup> These organizations—from unions, to worker centers, to religious organizations and other volunteer groups—often have a sophisticated understanding of where workplace violations are most prevalent, access to large numbers of workers and significantly greater levels of trust and credibility with those affected by labor law violations than government em-

ployees.<sup>4</sup> Moreover, these sorts of partnerships provide a critical opportunity for state and local governments to help strengthen worker organization.

Localities should provide funds to worker organizations for enforcement activities; ensure that these worker organizations are able to access information and workplaces to investigate possible violations; and enact fees on businesses to support co-enforcement. As partners, worker organizations can enforce the standards by educating workers and businesses about the laws, identifying problem industries and workplaces, supporting agencies in conducting workplace wide audits, investigating specific complaints, assisting agencies with interviews and securing complainants, and otherwise serving as trusted intermediaries.<sup>5</sup> This model drastically increases the number of investigators available to investigate complaints and conduct enforcement activities.

**CITY EXAMPLES: San Francisco** and **Seattle** have implemented community enforcement programs by providing grant money to help enforce workplace standards. **San Francisco** established the Office of Labor Standards Enforcement (OLSE) in 2002, and since 2009, the office has contracted with community-based, worker-led organizations to support enforcement, with priorities and co-enforcement requirements outlined in RFPs, issued every few years. These groups are led by the Workers' Rights Community Collaborative (WRCC), a collaborative of worker centers, legal-aid organizations and community-based organizations rooted in ethnic or linguistic communities.<sup>6</sup> The groups educate workers, perform preliminary investigations and make referrals to OLSE.<sup>7</sup> Nearly one-third of the complaints received by OLSE come from the contracted community groups,<sup>8</sup> and 85 percent of the cases that result in recovery for workers originate with the WRCC.<sup>9</sup> The efforts of community-based organizations were so suc-

cessful that the San Francisco Board of Supervisors more than tripled annual funding for enforcement partnerships between Fiscal Year 2006 and Fiscal Year 2016, when annual funding reached \$660,000.<sup>10</sup> Most recently, the OLSE contracted with the Chinese Progressive Association, which then subcontracts to several other organizations.<sup>11</sup>

In 2015, the City of Seattle created the Office of Labor Standards (OLS) to advance labor standards through community and business engagement. The OLS is responsible for implementing seven citywide labor laws. In 2017, the OLS contracted with 21 community-based organizations for two-year contract cycles.<sup>12</sup> In the first three quarters of work, the organizations reached over 36,000 workers through 616 outreach activities, 247 trainings and 613 intakes of workers with potential labor violations.<sup>13</sup> By August 2017, OLS Seattle assessed \$1 million in remedies for almost 2,000 Seattle workers under Seattle's labor standards, through 200 closed investigations.<sup>14</sup> For its 2018 budget, the OLS has allocated \$2.3 million for outreach contracts with community based organizations.<sup>15</sup>

Even the most committed partnership between agency and community group will face challenges. On the worker organizing side, simultaneously identifying cases, balancing the relationship and communication with agency staff, and maintaining the integrity of daily organizing work can pose difficulties. For government agencies, considerations include reconciling government agency policies and procedures (e.g. privacy) with expectations of openness and transparency required in partnerships, as well as ensuring the agencies are responsive to the needs of the communities they are working to serve.<sup>16</sup>

## **LANDSCAPE AND RESOURCES**

The **Center for American Progress Action Fund's American Worker Project** conducts research to increase the wages, benefits, and security of American workers and promote their rights at work and has published economy-focused issue briefs on worker organizing and worker power, including a report detailing how cities and state can implement this co-enforcement model and several other policies to build worker power. The **National Employment Law Project** has extensive resources on worker rights, wage theft, health and safety, and overtime, to highlight just a few.

*Co-authored by the Center for American Progress Action Fund*



# FAIR-CHANCE HIRING FOR WORKERS WITH CRIMINAL RECORDS

## **THE PROBLEM**

Nearly one in three U.S. adults—or 70 million people—have an arrest or conviction record that can show up on a routine employment background check.<sup>1</sup>

As employment background checks grow more common, the stigma of a record becomes increasingly unshakeable—with job-seekers facing significant barriers even years after the offense. One survey revealed that approximately one-third of non-working men of prime working age have records.<sup>2</sup> A conviction record dramatically reduces the likelihood of a job callback among equally qualified applicants,<sup>3</sup> and this effect is even more pronounced for Latinx and black applicants.<sup>4</sup> Callbacks for white job applicants drop by half—from 34 percent to 17 percent—when the candidate indicates a record on their application materials. The impact of a record on job prospects is more severe for black applicants, whose likelihood of a callback drops from 14 percent to a mere 5 percent for those with a record.<sup>5</sup> Gender also plays a role, with employers more harshly penalizing women for having a record than similarly situated men.<sup>6</sup> These statistics demonstrate the severe disadvantage job-seekers with a record face, particularly people of color who already face racial discrimination in the job market.

The widespread, excessive use of background checks exacerbates racial and economic inequality. Nearly half of U.S. children have a parent with a record, and, when parents can't work, the next generation—particularly children of color—is deprived of needed resources and their shot at upward mobility.<sup>7</sup> Furthermore, the U.S. economy loses an estimated \$78 to \$87 billion in annual output because of the reduced employment prospects of people with records.<sup>8</sup>

## **THE SOLUTION**

Providing pathways to employment for people with conviction records can dramatically improve lives, increase public safety, and generate measurable economic returns in local communities.<sup>9</sup> Fair-chance hiring is

one of the most promising reforms to address the employment barriers facing people with records, and it is gaining bipartisan support and national attention. One component of a fair-chance policy is to “ban the box,” which means removing questions about conviction history from job applications. These questions discourage people from applying and artificially narrow the pool of qualified workers.<sup>10</sup> Too often, employers automatically reject applications with the checked box, regardless of the applicant’s qualifications, experience, or personality. Reforms such as “ban the box” or “fair chance” allow for fair consideration of applicants with records by removing conviction-history questions from job or housing applications and delaying background checks until later in the hiring process.

In addition to banning the box, fair-chance hiring means integrating federal guidelines on the proper use of arrest and conviction records into employment decisions. That includes simple yet potentially powerful requirements like evaluating the job-relatedness of a conviction, the time passed since the offense, and the applicant’s rehabilitation.<sup>11</sup> In addition, fair-chance policies incorporate simple due-process protections, such as the opportunity for an applicant to dispute the accuracy or relevance of any record relied upon by the employer.

Where local entities have tracked hiring, they have found a measurable impact. In Durham County, NC, the number of applicants with records recommended for hire nearly tripled in the two years after the county’s fair-hiring policy passed. On average, 96.8 percent of those with records recommended for hire ultimately received the job with the county.<sup>12</sup>

After **Minneapolis**, MN, implemented a fair-chance hiring policy, the city found that removing the conviction disclosure box from initial applications and postponing background checks until after a conditional offer of employment decreased the amount of transactional work for staff, did not slow down the hiring process, and resulted in more than half of applicants with convictions being hired.<sup>13</sup>

By increasing the likelihood of employment, ban-the-box laws also benefit public safety. A study of recidivism data in **Hawaii** observed a substantial decrease in felony offense among people with previous conviction records after the state adopted a fair-chance law in 1998.<sup>14</sup>

The movement for policies to dismantle barriers to employment for workers with records has gained significant traction across the political spectrum. As of May 2018, over 150 cities and counties and 31 states had adopted policies to delay conviction-history inquiries until later in the hiring process.<sup>15</sup> In 2015, President Obama announced that federal agencies would ban the box, and in April 2016, the White House launched the Fair Chance Business Pledge, garnering pledges from major corporations.<sup>16</sup>

Unfortunately, fair-hiring initiatives are increasingly facing legal hurdles in the form of state-government preemption measures. **Arkansas** and **Tennessee** have enacted laws limiting the ability of local governments to pass laws protecting additional classes of individuals—in this case those with a conviction history—from employment discrimination.<sup>17</sup> **Indiana** and **Mississippi** have enacted legislation prohibiting localities from passing their own ban-the-box laws.<sup>18</sup>

To proactively avoid such preemption issues, legislation should be drafted with care—ideally with bipartisan and industry support—and include tailored exceptions for sensitive employers such as schools, hospitals, and security companies, which will engender less opposition.

## POLICY ISSUES

Here are some key principles for crafting an effective fair-chance policy, including ban-the-box reform.<sup>19</sup>

**Avoid stigmatizing language** such as “ex-offenders” or “ex-felons.” Use terms that recognize individuals with past convictions as “people,” such as “people with records.”<sup>20</sup>

**Background checks may be unnecessary for many positions** because most jobs do not entail safety risks. Even if a background check is legally mandated for a position, exempting the position from the majority of these best practices is unnecessary. **If a background check is required, consider only those convictions with a direct relationship to job duties and consider the length of time since the offense.** Avoid consideration of records of arrest not followed by a valid conviction as well as sealed, expunged, or old offenses.

**Remove conviction inquiries from the job application and delay inquiries until after a conditional offer.**<sup>21</sup> The most effective policy is to delay all conviction inquiries, oral or written, until after a conditional offer of employment. Avoid provisions that bypass the policy through “voluntary disclosure” of record information from the applicant or that use self-dis-

closure of this information as a misguided “truth test.” **Inform the job applicant if he or she is rejected because of his or her record.** Notify the applicant in writing of the specific job-related conviction in the report and provide a copy of the conviction history report.

**Ensure the applicant has the right and sufficient time to submit evidence of rehabilitation or mitigating circumstances** before making a final decision. Hold the position open until the review is complete.

**Expand the fair-chance policy to private employers.** To maximize the impact of the fair chance policy, apply the policy to both government contractors and private employers. Localities that have done so include New York City, Austin, Buffalo, Kansas City, and San Francisco, among others. Several of these cities have required private employers to perform background checks for only some positions, only after a conditional offer, and give applicants various rights regarding appeals, complaints, and notices of denial.<sup>23</sup>

**Combine data collection and effective enforcement.** At a minimum, a government agency should process complaints and audit compliance. Strong penalties for employers and incentives for complainants, such as directing the penalty funds to complainants, or making available significant monetary remedies, will incentivize private employers to comply and job-seekers to come forward. With government contractors, the contract should be rescindable without compliance. Data collection to track disqualifications and hiring will also support enforcement. Plus, agency-directed investigations can direct resources to high-impact cases.<sup>24</sup>

## LANDSCAPE AND RESOURCES

For more information, visit the **National Employment Law Project’s** fair-chance-hiring campaign page.<sup>25</sup> Two resources are the “Ban the Box State and Local Guide,”<sup>26</sup> which documents policies across the country, and the “Fair Chance—Ban the Box Toolkit,”<sup>27</sup> which is a comprehensive resource for advocates. The grassroots organization, **All of Us or None**, coined the phrase “ban the box” and sparked the movement to remove the check-box. Ban-the-box resources are available on its website.<sup>28</sup>

**INTERACTIVE CITATIONS AVAILABLE ONLINE AT  
WWW.LOCALPROGRESS.ORG/NOTES**

*Co-authored by the National Employment Law Project*





# LIVING WAGE ORDINANCES

## THE PROBLEM

In 2014, 46.7 percent of Americans lived in poverty, largely because too many workers were paid very low wages.<sup>1</sup> Federal and state minimum wages are too low to lift working families out of poverty, much less into the middle class. Many cities do not have the legal authority to set higher minimum wages.

## THE SOLUTION

Over the past twenty years, more than 140 cities around the country have passed living wage laws, which help ensure that public expenditures create good jobs.<sup>2</sup> The laws set minimum standards for the wages of private sector workers—such as janitors, bus drivers, gardeners, and cafeteria workers—who are employed by businesses that contract with the city or receive public subsidies. Living wages are a second-best alternative to higher minimum wages for all workers. But, unlike minimum wages, most cities have the authority to implement them.

Although opponents claim that the laws will cost cities significant money, rigorous academic surveys of living wages across the country show that “actual costs tended to be less than one-tenth of 1% of the overall budget.”<sup>3</sup> In addition, living wage laws often improve the competitiveness of bidding for city contracts because they give high-road, high-quality contractors the confidence that they will not be under-bid by low-road, low-quality contractors.<sup>4</sup> In addition, living wage laws increase worker productivity and decrease turnover—and help create upward pressure on wage rates more broadly.

Most laws set the wage between \$9 and \$16 per hour. But they can also encourage the provision of health insurance, guarantee paid sick leave and vacation time, and facilitate the hiring of local residents or disadvantaged populations. In 2015, **New Orleans** passed a living wage ordinance of \$10.55 for certain companies that do business with the city. If your city already has a living wage law, you should consider amending it to include best practices from around the country. It is also best

practice for cities to include both contractors and subcontractors in their ordinances; cities can look to **Dallas** as a recent example.<sup>5</sup>

## POLICY ISSUES

The following topics will likely come up when designing or revising your city’s living wage legislation. Legislators can tailor their proposals to the political and economic realities in their city by adjusting the scope of coverage and the wages and benefits provided.

**APPROPRIATE WAGE:** Economic analysis can help cities set a living wage rate that will in fact support working families adequately, in accordance with that city’s cost of living. Further, there are a variety of ways to set the living wage in law so that it is not frozen over time. Some cities (such as **Lincoln, NE** and **Cincinnati**) set their living wage at a particular percentage (usually 110 or 130) of the federal poverty guideline for a family of four. This helps remind the public that the law is merely providing workers with enough income to stay out of poverty. Other cities, including **Sacramento** and **Tucson**, set their wage rate to rise with inflation. **Dallas**, which passed their living wage ordinance of \$10.37 in 2015 set it to adjust annually to meet the Massachusetts Institute of Technology’s calculated living wage for a single adult in the city. **Philadelphia** has set the living wage at 150 percent of the federal minimum wage and **Washington, D.C.** at \$1 more than the federal minimum wage.<sup>6</sup>

**HEALTH INSURANCE:** Under federal law, cities are prohibited from mandating that employers provide health insurance to their workers. To work around this problem, many living wage ordinances set two wage rates: one for employees who are provided with health insurance and a higher rate for those who are not. The best statutes also ensure that the insurance is adequate and affordable.

**PAID SICK LEAVE & VACATION:** Wage ordinances have not been enforced properly. Both public pressure and smart legislative design are crucial to ensuring



compliance.<sup>7</sup> Laws should include: requirements that employers notify employees of their rights and keep wage records; a private right of action for employees who are not paid properly; penalties for non-compliance, including the loss of contracts; and the establishment of robust enforcement tools within a city agency. Ideally, the agency responsible for contracting should be tasked with its enforcement because contractors want good relationships with that office. However, if the agency is resistant to the law, enforcement can be vested in a comptroller or a department of labor, consumer affairs, or workforce development.

### ***LANDSCAPE & RESOURCES***

**The National Employment Law Project** and the **Partnership for Working Families** have provided expert support for many living wage campaigns over the past two decades.

# LOCAL AND TARGETED HIRING

*“Using our local tax dollars to put people from communities in our city with higher unemployment to work just makes good sense,”*

—Seattle City Councilmember Mike O’Brien.

*“Jobs matter. When Black workers have done well, our communities have done well.”*

—Lola Smallwood Cuevas, chair, L.A. Black Worker Center Coordinating Committee.

## **THE PROBLEM**

Economic recovery is not returning to all communities equally: the unemployment rate for White workers is down to nearly 4 percent nationally, while the unemployment rate for Black workers is more than double that. This disparity in employment is not an anomaly of our current economy, but has been the persistent reality for people of color for decades. Repeated studies show that job seekers of color are far less likely to be hired than their White counterparts, even when equally qualified.<sup>1</sup>

## **THE SOLUTION**

Local and targeting hiring programs require or incentivize businesses that receive public dollars to hire workers from the local community, or from targeted populations in the community. Whether the public resources come via a contract to build a public infrastructure project, a tax break to help a business grow, or redevelopment funds to build a new commercial space, these hiring programs ensure that public resources extend their impact into the communities that would benefit the most from job opportunities.<sup>2</sup> Hiring programs can vary from individual contract provisions to a city-wide ordinance.<sup>3</sup>

Local and targeted hiring programs help job seekers overcome racial discrimination and other barriers to employment by getting businesses to expand their hiring

networks. They also help companies find a steady supply of reliable, local workers. By improving employment outcomes in communities with high unemployment, targeted and local hiring can reduce employment disparities between communities and improve economic growth for a city and region overall.<sup>4</sup>

## **POLICY ISSUES**

The following issues will likely come up when designing a local or targeted hiring program:

**LOCAL VERSUS TARGETED HIRING:** Local hiring creates hiring preferences for people who live in a specific geographic area, which can be as large as an entire city or county, or as small as specific zip codes or neighborhoods. Targeted hiring refers to hiring preferences based on a range of worker characteristics, such as veteran status, sex, race or ethnicity (where allowed), residency in a low-income neighborhood, having been formerly incarcerated, having a disability, or being long-term unemployed. It may be permissible to rely on certain characteristics, such race and sex, only in some circumstances.

**FIRST SOURCE:** First source referral systems can strengthen outcomes for local and targeted hiring programs by connecting employers to a pipeline of qualified, local workers. With first source referral programs, employers notify local workforce partners of a job opening. The workforce organization then promptly refers a pool of local or targeted candidates to the employer to interview and hire.

**MANDATORY REQUIREMENTS, GOOD FAITH, AND STATE PREEMPTION:** Many cities have some sort of local hiring preference on the books, but frequently they only state that businesses must make a “good faith” effort to find and hire local residents. These

programs often do not succeed because companies are not required to meet a goal and because there is not a strong system in place to help businesses find local workers.

For years, **San Francisco** had a non-mandatory, “good faith” local hiring standard of 50 percent, which the City’s contractors consistently failed to meet. In 2010, local community organizations advocated for and won a reform that created a mandatory requirement of 20 percent local hire on publicly-funded construction projects, with a 5 percent increase every year until reaching 50 percent in 2017. The law also requires that half of all local hires come from historically disadvantaged communities, and provides specific targets for each construction trade. Collaboration among the many partners, including community-based organizations, the building trades, pre-apprenticeship and other workforce training programs, the City, contractors, and others, has been key to the program’s success.<sup>5</sup> Five years into implementation, the City has met its goal each year, proving that ambitious targets can be met if all parties are brought on board.<sup>6</sup>

Some cities are pre-empted by their states from passing mandatory local or targeted hiring requirements. However, under almost any legal framework, some version of targeted hiring or outreach requirements can be implemented.

**CONSTRUCTION JOBS VS. PERMANENT JOBS.** Because the construction industry offers a path to long-term middle class careers for workers without college degrees, it is often the focus of local and targeted hiring efforts. The complexity of hiring and training systems in the construction industry means that training and employment programs need to be developed and tailored with that industry in mind.

However, non-construction work can also offer excellent opportunities for local and targeted hiring programs. Cities can target jobs with service contractors receiving public contracts, as well as a wide range of permanent jobs in subsidized development projects. When coupled with job quality standards like living wage requirements, these policies can help place local and targeted workers in quality jobs. **East Palo Alto** has a welldeveloped local hiring program for permanent jobs, which has been replicated in numerous community benefits agreements.

**ENFORCEMENT, COMMUNITY INVOLVEMENT, AND FUNDING:** Enforcement is crucial. Best practices in monitoring and enforcement include an oversight committee that meets regularly and includes community partners, regular reporting of progress in meeting the goals of the program, and mechanisms such as fines or clawbacks for businesses that do not comply.

Funding to support job training and placement programs is also important so that local residents are ready for the jobs that

will become available to them. Support for quality pre-apprenticeship programs in the construction industry—with outreach to targeted populations—is essential.

**LOCAL HIRING ON TRANSPORTATION PROJECTS:** Until recently, projects that used federal transportation dollars were not allowed to have local hiring targets. However, after years of advocacy by groups in **Los Angeles** and elsewhere, the U.S. Department of Transportation created a local hiring pilot in 2015 and is proposing a permanent change in its rules to allow for local hiring.<sup>7</sup>

## **LANDSCAPE AND RESOURCES**

**The Partnership for Working Families** and **the Community Benefits Law Center** provide resources and promote local and targeted hiring for both construction and permanent jobs nationally. **The Law Offices of Julian Gross** offers good information on the website and can provide legal assistance.

*Co-authored by Julian Gross and PolicyLink*

**PolicyLink**

# PAID SICK LEAVE

*“My boss told me that I no longer had my job at the restaurant. I was in shock. Getting fired was devastating.”*

—Elose Arestil, dishwasher in Miami, after being injured on the job.<sup>1</sup>

## THE PROBLEM

More than 40 million American workers get no paid sick leave.<sup>2</sup> Most of these workers are in service industries like restaurants, health care, and retail, so the problem is particularly acute in cities, where these jobs cluster. Lack of paid sick leave disproportionately burdens minorities and low-wage workers, including the vast majority of food service workers.<sup>3</sup> When they are sick, these employees either have to show up for work—which threatens not only their health but the health of their co-workers and the customers they serve—or stay home and lose valuable pay and risk termination.<sup>4</sup> Similarly, because many working parents cannot stay home to take care of their sick children, those children are sent to school, which harms not only those children but other kids. The United States is one of 22 rich countries in the world lacking a federal law guaranteeing workers either paid sick days or paid sick leave.<sup>5</sup>

## THE SOLUTION

“I chose to sponsor this bill, not only because it was the right thing to do, but because I believed that this was a coalition that would get the job done. A robust coalition of workers, employers, health care professionals, moms, and social justice activists is a coalition that just can’t be beat!”—Seattle City Councilmember Nick Licata, after Seattle enacted paid sick leave in September, 2011.

While the best solution would be the creation of a federal law, efforts in Congress to pass the Healthy Families Act—which would guarantee up to seven paid sick days a year for workers at companies with at least 15 employees—have so far been unsuccessful.<sup>6</sup> Without federal action, cities have taken the lead on the issue. Paid-sick-leave laws have taken effect in **San Francisco**

(2006),<sup>7</sup> **Washington D.C.** (2008), **Seattle** (2011), **Los Angeles** (2016), and **Chicago** (2016).<sup>8</sup> Voters passed a law in **Milwaukee** (2008), but Governor Scott Walker and the legislature later outlawed local paid-sick-leave laws. In 2011, Connecticut became the first state to pass a paid-sick-leave law; California, Massachusetts, and Oregon followed. With Arizona (2016), Vermont (2016), Washington (2016), Rhode Island (2017), and Maryland (2018) passing sick leave legislation in recent years, there are now a total of ten states with paid-sick-leave laws.

Broad-based campaigns for paid-sick-leave laws supported by unions and advocacy organizations committed to the well-being of women, children, immigrants, and workers are active in dozens of cities and states around the country.<sup>9</sup> Some conservative states have preempted localities from enacting sick leave laws, but cities are stepping up and challenging these efforts as incursion into their traditional “police power” to pass legislation protecting the “health, safety, morals, and general welfare of the public.” On March 1, 2018, the Austin City Council passed a paid-sick-time ordinance, with **Dallas** and **Houston** exploring the policy as well, even in the face of threats from Republican state legislators to pursue preemption.

## POLICY ISSUES

“I had to prioritize my family over work, and I lost my job.”—Ai Elo, waitress in New York City, after being fired because she stayed home to take care of her ill brother.<sup>10</sup>

The following topics will likely come up when designing a city’s paid-sick-leave legislation. Legislators can tailor their proposals to the political realities in their city.

**COVERAGE:** The scope of coverage is a central question in all campaigns. Advocates have sought to broaden coverage to include as many workers as possible; opponents have sought to carve out small businesses or particular industries. **San Francisco's** law is broadest, covering any worker, part- or full-time, who works within the city for an employer. In order to win passage, advocates in **Washington, D.C.**, had to accept an exclusion of restaurant waiters, which is particularly problematic given the public health consequences of such employees working while ill. In Connecticut, advocates had to agree to a carve-out for businesses with fewer than 50 employees, manufacturers, some nonprofits, and firms that employ temporary workers.

**NUMBER OF DAYS:** Many paid-sick-time bills start by requiring 10 days of paid sick leave for all workers, but fewer days are often the compromise reached to win passage. A number of bills provide two tiers—nine days for most employees, five days for small-business employees—to address opponents' claims that small businesses cannot afford to provide such benefits. The rate at which the leave accrues (typically one hour leave for every 30 or 40 hours worked), the date on which it begins to accrue (at start of employment or later), and the length of a probation period (immediate use of benefit or waiting period to use), are all likely to be points of contention. Data from a **San Francisco** survey is useful to allay employer concerns over the cost of paid sick leave: “[D]espite the availability of either five or nine sick days under the [Paid Sick Leave Ordinance], the typical worker with access used only three paid sick days during the previous year, and one-quarter of employees with access used zero paid sick days.”<sup>11</sup>

**USAGE:** Most laws and proposals permit workers to take time off to care for themselves or a family member or to seek assistance related to domestic violence. There are slight variations in the definition of “family member” across the proposals, but most define it expansively to include domestic partners and people related through blood and marriage. Many policies permit time off for preventive medical care.

**ENFORCEMENT:** It is important to ensure that any paid-sick-leave law includes enforcement provisions so that workers are actually able to use their leave. Legislation should include: requirements that employers notify their employees of their rights and keep records of the leave accrued and taken by employees, a private right of action so that employees can sue in court if their rights are violated, penalties for non-compliance by employers, and the establishment of investigation and enforcement tools within a city agency. If a city does not have a labor bureau, enforcement can sometimes be vested in a department of health, consumer affairs, business development/licensing, or workforce development.

## **LANDSCAPE AND RESOURCES**

The **Center for Popular Democracy** and the **Working Families Party** provide campaign strategy and organizing support to local campaigns. **A Better Balance** provides legal and policy support on sick leave campaigns. **Family Values at Work** is a consortium of 24 state and local coalitions pushing for paid sick leave. The **National Partnership for Women and Families** is leading the campaign for a federal paid-sick-leave law. **The Institute for Women's Policy Research** has extensive research on the costs and benefits of paid-sick-leave policies.



# PROHIBITING JOB DISCRIMINATION BASED ON CREDIT HISTORY

*“Among low- and middle-income households carrying credit card debt, 1 in 4 households experiencing unemployment report that a prospective employer asked to check their credit as part of a job application.”*

—Amy Traub, *Discredited: How Employment Credit Checks Keep Qualified Workers out of a Job* (2013)

## **THE PROBLEM**

When employers conduct credit checks as part of their hiring, retention, or promotion process, personal credit history becomes a barrier to employment. As a result, qualified job seekers are turned away from jobs. The practice discriminates against people of color, who are more likely to have poor credit as a result of predatory lending that continues to target communities of color, as well as the enduring impact of racial discrimination in employment, lending, education, and housing.<sup>1</sup> By evaluating prospective employees based on credit, employment credit checks can further extend this discrimination. People with disabilities, who are more likely to have medical debt, are also disproportionately harmed.<sup>2</sup> But the problem isn't limited to these communities: Americans from all walks of life whose credit is damaged as a result of medical debt, student loans, a layoff, divorce, identity theft, simple error, or a myriad other reasons, are shut out of jobs—despite a lack of evidence connecting someone's credit history with their job performance.<sup>3</sup>

Yet because for-profit credit reporting companies market credit checks as a tool to assess employee integrity and reliability, nearly half of all employers now run credit checks on new job applicants.<sup>4</sup> Credit checks may be ordered for jobs as diverse as doing maintenance work, offering telephone tech support, working in retail, or selling frozen yogurt, as well as many financial posts. Among low- and middle-income households carrying

credit card debt, 1 in 4 households experiencing unemployment report that a prospective employer asked to check their credit as part of a job application.<sup>5</sup> This number likely underrepresents the full scope of the problem: while the federal Fair Credit Reporting Act requires employers to notify job applicants if their credit history played any role in an employment decision, the law is difficult to enforce and many job seekers never find out they were passed over because of their credit.

## **THE SOLUTION**

The Fair Credit Reporting Act permits employers to conduct employment credit checks but also allows states and cities to establish stronger protections. So far ten states have restricted the use of personal credit information in employment. Unfortunately, as a result of industry lobbying, these laws include numerous exemptions that undermine the laws' efficacy. These exemptions allow credit checks for broad general categories or specific job positions, and are not substantiated by evidence or research. In 2015 **New York City** passed the nation's strongest law restricting employment credit checks. While New York's law still contains a number of unjustified exemptions, these exclusions are narrower than in many other credit check laws, and New York's public outreach effort—including ads on subways and buses, informational brochures in ten languages, and free trainings on the law for jobseekers, workers, and employers—is exemplary.

## **POLICY ISSUES**

Credit reports are often sold as part of an overall “background check” bundled with searches of public records (such as past addresses, liens, or bankruptcies) and criminal records. However, these checks can also be disaggregated—it is possible for employers to purchase a public records search or criminal background check without inquiring into personal credit history.

Cities that are considering banning credit checks by employers should ensure that the following exemptions are closed.

**HANDLING CASH OR GOODS:** A number of state laws include exemptions permitting credit checks for employees that handle cash or have access to valuable property. These exemptions are based on the mistaken premise that reviewing a job applicant’s personal credit report can predict whether someone is likely to steal. Since the recession began, millions of Americans have been laid off from their jobs, seen their home values plummet to less than their mortgage debt, and found their savings and retirement accounts decimated—all of which can affect credit history. These factors lie outside an individual’s control and have no reflection on someone’s fitness for work.

**ACCESS TO FINANCIAL INFORMATION OR EMPLOYEES OF FINANCIAL INSTITUTIONS:** The incorrect rationale for checking credit when hiring for positions with access to financial or other confidential information is the same as for employees who handle cash.

**MANAGEMENT POSITIONS:** Permitting credit checks for management or supervisory positions puts a ceiling on the advancement of people struggling to pay their bills, regardless of their qualifications. This exemption traps workers on the bottom rungs of the job ladder, no matter how skilled they may be.

**LAW ENFORCEMENT POSITIONS:** Many police departments conduct credit checks and reportedly disqualify candidates with poor credit. This is particularly dangerous because using a faulty screening tool such as credit history may provide a false sense of security to law enforcement agencies if they erroneously believe a credit check will help to prevent them from hiring officers vulnerable to corruption. In addition, racial disparities in credit mean that the use of employment credit checks may make it more difficult for law enforcement agencies to hire and promote a diverse police force.

**BROAD STANDARDS-BASED EXCEPTIONS:** The worst categories of exceptions are those that permit credit checks based on broad standards, such as “relevance”, “fiduciary duty” or “substantially job related.” These exceptions are overly expansive and leave many workers unprotected from the discriminatory impact of employment credit checks.

## **LANDSCAPE AND RESOURCES**

For more information on banning credit checks, visit **Demos** the **New Economy Project**; the **NAACP Legal Defense Fund**, the **National Council of La Raza**, the **National Employment Law Project**, the **Lawyers Committee for Civil Rights Under Law**; as well as consumer groups such as the **National Consumer Law Center**, **USPIRG** and state PIRGs.

*Co-authored by Demos*



# PROTECTING WORKERS IN THE ON-DEMAND ECONOMY

## **THE PROBLEM**

With the significant growth of on-demand/freelance/independent/contingent/“gig” work (sometimes identified with the so-called “sharing economy”), more and more workers—from freelance graphic designers and Uber drivers to construction day laborers—are lacking the legal protections provided to traditional employees. There can be real value for workers in the flexibility offered by independent work and efficiency for customers and the overall economy. But these benefits should not come from taking advantage of workers. Under federal labor law, a diverse group of workers including taxicab lessees, eBay dealers, owner-operator truckers, Xerox service repairmen, freelance photographers and software designers lack the right to organize into unions<sup>1</sup>. In addition, independent contractors and freelancers are omitted from other federal workforce measures that prohibit discrimination and state and local laws that guarantee overtime pay, paid sick days, or other workplace protections.

**THEFT-OF-PAYMENT AND DELAYED PAYMENT.** Freelancers and independent contractors also face persistent challenges in receiving fair and prompt payment. According to a Freelancers Union survey, 40% of freelancers in the U.S. had trouble getting paid in the last 12 months, and 81% have had trouble at some point during their careers. This problem is even worse for workers like construction day laborers, who almost always work without a contract.

**MISCLASSIFICATION.** The lack of protections for independent contractors in the U.S. gives employers an incentive to misclassify their workers. If classified as independent contractors, employers avoid substantial legal obligations and liability. This misclassification can lead to the loss of billions of dollars of revenue in evaded local, state, and federal taxes and employer con-

tributions. Misclassified workers are denied pensions, unemployment insurance and tax contributions.

**ENFORCEMENT:** Independent workers face extreme difficulties in enforcing their rights. They cannot go to the Department of Labor. They cannot bargain collectively, even where there are many on-demand workers with identical relationships to the same company. Their only real option is to go through the court system, which is so expensive and slow that it often makes little sense. Moreover, gig work is often not covered by a written contract.

## **THE SOLUTION**

Because the on-demand economy is relatively new, there is important work to be done at the local level designing and refining best practices. The following strategies seek to begin that process.

**COLLECTIVE BARGAINING FOR INDEPENDENT CONTRACTORS ON SIMILAR CONTRACTS.** Many independent workers perform a substantial portion of their work for a single company, often an “app”-based company, and that company will engage many gig-workers under essentially the same contract. In these cases, the company is in a position to dictate terms and conditions, with little room for negotiation. Workers have neither the individual flexibility to negotiate terms that freelancers have often had, nor the collective ability to negotiate about the overall terms of the contract. Cities can address this by allowing on-demand workers to bargain collectively.

Such laws would not be pre-empted by the National Labor Relations Act (NLRA), since independent workers are not covered by it (i.e. the law would not seek to define independent workers as traditional employees, but instead provide an alternative system for bargaining, focusing specifically on those workers who fall outside the NLRA). If carefully legislated in a sector-specific

way focusing on those areas in which local government has strong existing regulatory authority, such legislation should also survive anti-trust challenges. It would be a violation of such laws to cancel a worker's contract, or intentionally reduce his or her flow of work, for exercising this right. In **Seattle**, advocates and elected officials are advancing legislation that would allow taxi and for-hire drivers, including those working for companies such as Uber and Lyft, to choose a nonprofit organization to represent them in bargaining negotiations with ride-share companies over pay and working conditions.

**PROMOTE THE FAIR AND PROMPT PAYMENT OF FREELANCE/CONTINGENT WORKERS.** The Freelancer's Union is leading the way with a campaign, starting in **New York City**, for the passage of laws to end unfair payment practices. Such laws can:

- Mandate that freelancers' contracts include basic minimum provisions regarding timely payment, security deposits, etc., and make the failure to comply a violation of fair trade practices.
- Require that freelance work (for employers over a certain size) be governed by a written contract that would contain these basic minimum provisions, as well as a simple enumeration of the tasks and payment, to simplify compliance and enforcement.
- Provide a local government agency the authority to investigate and enforce these provisions and to create and administer a mediation/arbitration procedure to help resolve claims. Giving freelancers an alternative to small claims court and providing for triple damages and attorney's fees will help ensure compliance. Clarifying the standing of worker advocacy organizations to bring claims on behalf of freelance workers also helps to ensure strong enforcement.

**EXTEND ANTI-DISCRIMINATION & WORKPLACE PROTECTIONS TO GIG AND FREELANCE WORKERS**

Independent contractors are currently excluded from most city, state, and federal civil rights and workplace protections. This can be easily remedied by cities that have such laws by extending them to cover contingent workers.

**UTILIZE BUSINESS LICENSING TO PROTECT GIG WORKERS FROM ABUSE, INCLUDING MISCLASSIFICATION.**

Around the country, cities are increasingly using business licensing to address wage theft. Even where cities have limited legal authority, they can deny license applications or renewals to companies that are guilty of persistent violations of state and federal laws. Local agencies could review a company's compliance with relevant laws when considering a license application or renewal.

The **San Francisco** Office of Labor Standards works to ensure that employers in the city are complying with local, state, and federal labor and employment laws. It works in partnership with community-based organizations and through affirmative outreach and investigations by its staff in strategic industries.

**ESTABLISH A HEALTH AND WELFARE FUND FOR TAXI AND FOR-HIRE VEHICLE DRIVERS.** A small surcharge on taxi and for-hire rides (including those through Uber and Lyft), established by local law, could provide crucial benefits for workers, including modest disability payments and health, dental, and vision benefits.

**MATERIALS AND RESOURCES**

For more information protecting workers in the gig economy, see the **National Employment Law Project's** report "Rights on Demand: Ensuring Workplace Standards and Worker Security in the On-Demand Economy<sup>2</sup>" and **Local Progress'** policy brief "Ending Wage Theft<sup>3</sup>" on the San Francisco Office of Labor Standards, and visit the **Freelancer's Union** webpage.<sup>4</sup>

*Co-authored by NYC Councilmember Brad Lander*

# COMMUNITY SCHOOLS

## **THE PROBLEM**

In 2013, 51 percent of students in our nation's public schools were low income and in 40 states, low income students comprised no less than 40 percent of all public schoolchildren.<sup>1</sup> In some states the percentage of low-income students is even higher— in Mississippi, for example, 71 percent of public school students qualify for free or reduced lunch. This statistic is particularly concerning because of the correlation between socioeconomic class and academic success. Most of the states with a majority of low income students are in the south and Midwest. Low-income students are more likely to be absent (due to caring for a sibling or earning money to supplement the household income), fall behind or drop out, not to mention struggling with food insecurity and perhaps unreliable housing. Unfortunately, the students who need extra educational resources are least likely to receive them: high-poverty schools (meaning schools with a student body that is 76%–100% low-income) spend less per student than any other schools. This further diminishes potential academic success and perpetuates the existing cycle of poverty. It is imperative that we increase the quantity and quality of our investments in public schools.

## **THE SOLUTION**

Community schools partner with service providers, health providers, after-school programs, youth centers, and other community organizations or providers to ensure holistic attention, education, and service provision for students. There are a number of different models of community schools, depending on the attending student body and their specific needs. However, the most successful community school programs use a consistent set of research-based strategies that allow for greater student-centered learning, community investment and engagement, and school environments squarely focused on teaching and learning: curricula that is engaging, culturally relevant, and challenging; (2) emphasis on high teacher quality, not high-stakes testing; (3) wrap-

around supports; (4) positive discipline practices; (5) authentic parent and community engagement and (6) inclusive school leadership.<sup>2</sup>

**CURRICULUM:** Schools may offer a robust selection of classes, after-school programs, Advanced Placement (AP) courses and honors options.

**HIGH TEACHER QUALITY:** Community schools must have an emphasis on high-quality teacher, not high-stakes testing. In the last fifteen years, standardized testing has fostered a high-stress and toxic environment for teachers and students as well as administrators and parents. In addition, they have served to pseudo-scientifically validate the “failure” and subsequent closing and or privatizing of high numbers of schools nationwide—especially in urban centers with high populations of poor students and students of color. Authentic and multidimensional assessment (such as performance or portfolio-based and teacher-developed), when properly administered, help inform teachers so they can better meet the needs of their students. Professional development should accompany this approach, be ongoing and high-quality. Students, parents and community members and leaders can be incorporated into such formats as exhibitions and demonstrations to further local assessment in a community context.

**WRAP-AROUND SUPPORTS:** As one of the six pillars in a school, they help meet students' health needs, from eye and dental care to social and emotional services. These services, available to parents, families and often the broader community, can often be housed within the school building and be supported by community and partners who are culturally aware and responsive.

**POSITIVE DISCIPLINE PRACTICES:** Discipline practices such as restorative justice and social emotional learning supports are critical as they help students grow and develop as contributing members to the school community. Restorative practices contribute to positive school climate and culture overall, ensuring students feel safe and supported in their learning environment.



Expulsions and punishments are greatly reduced, helping students stay in the classroom, reducing absenteeism, increasing learning time and helping to end the school-to-prison pipeline.

**PARENT AND COMMUNITY ENGAGEMENT:** Authentic parent and community engagement is critical as it helps to create a link between the success of students, their school and the development of a community as a whole. Parents and the full community should actively be part of planning and decision-making for the school. Parent leadership development can create agency out of despair and can result in policy, economic development and other real changes to communities.

The community school strategy **requires inclusive school leadership** where all levels of staff and leadership team are aligned and committed to the strategy. All levels of leadership should be part of the planning and implementation as members of a Community school committee, which includes parents, school staff, youth and other stakeholders. Finally, the community school coordinator should be a part of the leadership team.

## **RESULTS**

The results for community schools are significant, and include both academic and non-academic outcomes. In one of the most high-poverty areas of **Los Angeles**, there is a high school where 99 percent of graduates go to college; the city of **Cincinnati** was able to shrink its racial and socioeconomic achievement gap from 14.5 percent to 4.5 percent; in Texas, two schools located in **Austin's** most high-poverty neighborhood went from the brink of closure to becoming two of the highest performing schools in their city; a school in **Baltimore** went from being ranked 77th in the city to 2nd; and in Kentucky, the state went from being consistently ranked one of the worst in education in the nation to outperforming half of all states and reducing their socioeconomic achievement gap to the smallest in the nation.<sup>3</sup>

A recent report on the Community School initiative in **Baltimore**, finds drops in absenteeism, chronic absenteeism as well as a drop in student/family mobility. It also finds high ratings on school climate, overall, including parents—especially immigrant and poor parents—feeling welcome and engaged in school—and drops in suspension and expulsion rates. Students and families want to come to community schools. These findings are consistent with findings in districts all over the country.

School boards should pass resolutions to support pilot community schools and commit to their expansion as a strategy to support all students.

## **RECOMMENDATIONS**

The model Community School strategies outlined in the CPD report can and should be used in every public school across the United States to achieve transformational results. The new federal education legislation, the Every Student Succeeds Act (ESSA), sends much of the decision-making power to create mechanisms for student success to the state level. The report recommends that schools:

**EMBRACE COMMUNITY SCHOOLS AS A TRANSFORMATIONAL EDUCATION SOLUTION:** State and local policy makers, using the opportunity created by this new law and in collaboration with their education constituencies including parents, school staff, students and community members, tap the power of community to grow the number of effective Community Schools in every state and municipality in the country.

**CODIFY COMMUNITY SCHOOLS IN POLICY:** Community organizing and education advocacy groups, unions, and Community School practitioners join lawmakers to use the policy templates included in this report to pass legislation that will enable a dramatic increase in the number of Community Schools.

For more information on this issue, please check out the **Coalition of Community Schools** at [www.communityschools.org](http://www.communityschools.org), the **Alliance to Reclaim Our Schools (AROS)** at [www.reclaimourschools.org](http://www.reclaimourschools.org), and **Center for Popular Democracy** at [www.populardemocracy.org](http://www.populardemocracy.org).

# COMPREHENSIVE SEX EDUCATION

## THE PROBLEM

The need for comprehensive sex education is clear. Adolescents in the United States use contraception at lower rates than their peers in other countries that provide comprehensive sex education consistently, and face far higher rates of teen pregnancy than their peers in other countries.<sup>1</sup> Medically accurate, developmentally appropriate, and inclusive sex education has a positive impact on adolescent sexuality and health. It equips students with knowledge that can protect themselves from sexually transmitted infections and unwanted pregnancy. Comprehensive sex education has been linked to declines in teen pregnancy, delays in first intercourse, and increased use of contraception.<sup>2</sup> It also provides information on healthy relationships and an understanding of sexual orientation and gender identity. This may reduce incidents of intimate partner violence, sexual assault, and bullying by fostering an understanding of the full spectrum of sexuality, gender, and family types, as well as providing students with models of healthy relationships and how to be a good partner. Alternatively, there is no reliable data to show that abstinence-only education leads to positive health outcomes.<sup>3</sup>

Yet despite the overwhelming evidence in support of comprehensive sex education, it is not consistently available in schools across the nation. There are many reasons why comprehensive sex education is lacking or missing entirely—politics or ideological beliefs, a school administration’s fear of parental pushback, a lack of resources and trained instructors, and limited class time.

## THE SOLUTION

Local officials have many policy options at their disposal to ensure that students receive comprehensive sex education. Some states have implemented policies that set requirements or restrictions on sex education,<sup>4</sup> but even in these places there may be latitude in determining curriculum. City and county leaders should take the initiative to partner with school board officials and advocates to implement effective, evidence-based policies.

## POLICY ISSUES

### MANDATE COMPREHENSIVE SEX EDUCATION:

One of the most effective actions a municipality can take is to mandate comprehensive sex education in the classroom. This type of mandate is generally passed by the local School Board or Department of Education, but city councils can support a mandate by holding hearings that document the need for a policy change and engage community members, as happened in **Boston**.<sup>5</sup> Mandates may recommend specific curricula, as they do in **Tempe, AZ**,<sup>6</sup> or may establish general curricular guidelines, as in **Chicago**.<sup>7</sup>

### PROVIDE CONTRACEPTION AT SCHOOL-BASED HEALTH CENTERS (SBHCS).

SBHCS are primary care health centers located within a school setting that provide critical points of confidential care for young people. They offer essential services, in a place both familiar and easily accessible, that may otherwise be out of reach for students, especially those who are low-income and/or uninsured.<sup>8</sup> Cities can provide funding and pass regulations that enable students to access a range of contraceptive options, including long-acting reversible contraception (LARCs) and emergency contraception, confidentially at SBHCS. In **New York City**, the Connecting Adolescents to Comprehensive Healthcare (CATCH) program enables students in communities that either lack access to nearby clinics, or have high teen pregnancy rates, to access the full range of contraception at their SBHC.<sup>9</sup> In **St. Paul, MN**, an award-winning SBHC program in nine public high schools offers students access to contraception, prenatal care, and gynecological services, among other health care.<sup>10</sup> In **Baltimore, MD**, SBHCS have been providing contraception to students at no cost for nearly three decades.<sup>11</sup>

**EVALUATE EXISTING SEX EDUCATION:** It is critical to track what is actually taking place in the district’s schools in order to assess whether sex education is actually being offered, and if so, to evaluate its quality and impact. A system of evaluation can establish need for a

policy on sex education if one is not already in place, and helps to ensure that the selected curriculum is being implemented and meeting the needs of teachers and students. One excellent resource is the Health Education Curriculum Analysis Tool (HECAT), developed by the federal government for local officials responsible for developing, selecting, enhancing, or improving effective health education curricula.<sup>12</sup> Other school districts have developed different strategies for assessing sex education in their communities. In **Cuyahoga County, OH**, the local Board of Health was given funding to conduct an evaluation and release a report about the comprehensive sex education curriculum.<sup>13</sup> **Broward County, FL** requires schools to report the number of students who participated in sex education courses each year.<sup>14</sup> The **New York City** Council passed a bill requiring the Department of Education to report annually on school compliance with comprehensive health education regulations.<sup>15</sup>

**PROVIDE RESOURCES AND TRAINING FOR SEX ED:** In municipalities that already have a mandate, funding for implementation and training is essential to turn policy into reality. Many school districts already receive funding for comprehensive sex education, but this valuable support can be increased by allocation of local funds. This money provides essential support for under-resourced school systems while emphasizing the priority of comprehensive sex education in the district. **Chicago** provides free trainings, either in-person or online, to “sex-ed” instructors, supported by a range of free resources including a “Sexual Health Education Implementation Planning Tool” and lessons plans for each grade from K-12.<sup>16</sup> The **Multnomah County, OR** Board of Commissioners funds the Adolescent Health Promotion program, which provides comprehensive sex education both in the classroom and at other community sites.<sup>17</sup> In **Minneapolis**, the “Out4Good” program helps ensure a safe and supportive school environment for LGBT students, families, teachers and staff and requires the sex-ed curriculum to include lessons on sexual orientation and gender identity.<sup>18</sup>

**SUPPORT COMMUNITY-BASED ORGANIZATIONS THAT PROVIDE SEX ED:** Municipalities can also look to community-based organizations to provide comprehensive sex education to students, both in and outside of the classroom. If teachers are unable to teach these courses, outside educators can be brought in. These organizations can also provide comprehensive sex education to youth in after-school programs or community centers. Municipalities can allocate funding to these organizations. The **New York City** Council allocates funding every year for the Teens Outreach Reproductive Challenge (TORCH), a program that trains youth in comprehensive sexual education and then pays them a stipend to provide workshops around the

city. The **Austin** City Council has provided funding to the city’s local Planned Parenthood to implement a range of teen pregnancy prevention initiatives, within and outside of school.<sup>19</sup> In **Philadelphia**, the Department of Public Health and the School District, in partnership with other organizations, approves of programs that may provide comprehensive sex education within the school setting and releases a comprehensive guide to schools within the city.<sup>20</sup>

## LANDSCAPE AND RESOURCES

The **National Institute for Reproductive Health** provides funding and technical assistance to organizations and advocates working to advance reproductive health, rights and justice on the local level. **Advocates for Youth** partners with young people to advocate for a more positive and realistic approach to adolescent sexual health. **SIECUS** helps schools and communities adopt and implement comprehensive sex education and can provide up-to-date resources on adolescent sexuality. **Planned Parenthood** is a leader in providing comprehensive sex education to young people in classrooms across the country.

*Co-authored by the NIRH*



# DISRUPTING THE SCHOOL-TO-PRISON PIPELINE

## **THE PROBLEM**

The school-to-prison pipeline, which disproportionately affects low-income communities of color, especially in cities, is a series of policies and practices under which students are increasingly pushed out of the education system and into the criminal legal system. The proliferation of law enforcement officers in schools has led to increased rates of arrest and referral to the criminal legal system. School-based zero-tolerance policies compound this problem as they drive school personnel to suspend and expel students for normal youthful behavior.

Districts across the country have criminalized school discipline. Often police intervene on low-level infractions that should be handled internally. For example, in New York City (NYC) nearly 70% of all arrests and juvenile reports in schools during 2016 were for misdemeanors and non-criminal violations. Non-criminal violations include offenses such as “trespassing” for being on the wrong floor of a multi-school building or “disorderly conduct” for participating in a peaceful protest.<sup>1</sup> In a Pennsylvania school district, police review already settled reports of student misconduct that the police department was not involved in and then charge students as adults in court for minor violations.<sup>2</sup>

School districts’ continued reliance on punitive school climate strategies is ineffective, harms students and exacerbates existing inequities along lines of race and disability. Students of color are more likely than their white peers to be suspended, or arrested for the same conduct.<sup>3</sup> For example, Black and Latinx students make up 67.1% of NYC schools, but account for 92% of all student arrests.<sup>4</sup>

Arrests and court involvement cause devastating effects on young people’s education. A study in Louisiana revealed that experiencing an arrest for the first time in high school nearly doubles the odds of the student dropping out, and a court appearance increases those odds four times over.<sup>5</sup>

These strategies also drain public funds that could be used to help ensure that all young people receive the

support, resources, and access to opportunities they need to thrive.<sup>6</sup>

## **THE SOLUTION**

For years, youth-led organizations and other advocates have organized to transform approaches to school culture, but students still experience high rates of exclusionary discipline and disparities remain deeply entrenched within school systems across the country.

**DIVEST FROM OVER-POLICING.** An essential step in decriminalizing education is divesting from over-policing of young people. Divesting from policing does not just keep students out of the prison pipeline, it also saves money that municipalities can re-invest back into schools. In NYC alone, the school-to-prison pipeline incurs costs of \$746 million per year, including police involvement in suspensions, arrests, and other punitive actions.<sup>7</sup> The Young People’s School Justice Agenda, developed by community youth leaders in NYC, is calling on the municipal government to remove costly and ineffective police officers and metal detectors from schools in the city and re-invest those funds in positive programs.<sup>8</sup>

States and municipalities should install bans on arrests, summonses, and court referrals for low-level infractions and misdemeanors such as campus fights, vandalism, trespassing or possession of tobacco or marijuana. Instead, students would be referred to school administrators for support. Depending on the legal structure of the district, state or local legislation or a police policy directive could be issued.

Schools and school districts should also compile and publish data pertaining to disciplinary measures and infractions. This data should guide policy priorities and action, as well as foster public accountability.

Districts may need to change policies to help create safe and inclusive schools. Some, if not most, districts will need to roll back harmful policies and practices already in place. Each municipality will need examine the current policies to determine the necessary reforms,



but some examples are: creating a program to expunge students' criminal and discipline records, and clearing outstanding warrants from summonses; and eliminating suspensions for subjective and vague offenses such as "defying authority."

**INVEST IN SUPPORTIVE PROGRAMS.** Solutions to the pipeline go beyond the removal of the harmful policies. Municipalities must also make deep and meaningful investments in their school communities.

School districts, cities, and states should invest in Restorative Practices. In dealing with conflict, restorative justice aims to heal relationships by bringing together everyone affected by wrongdoing and collectively considering the responsibilities of those involved. Fully embracing restorative approaches in schools offers an equitable and supportive approach to improving school climate.

Provide culturally responsive education. A culturally responsive approach to teaching acknowledges that students and families come from diverse backgrounds and treats this diversity as a positive asset. This approach also aims to understand and address institutional, personal, and instructional biases. Providing culturally responsive educational opportunities can lead to safer communities for women, youth of color, LGBTQ students, and students of different faiths.

Municipalities must increase mental health services available to students. Investments are needed in school-based mental health services such as in-school psychologists to more intensive external services including hospital based mental health clinics. Mental health services will support more young people with these needs and address the root cause of some behavior.

**INVEST IN OPPORTUNITIES FOR STUDENTS TO THRIVE.** True safety requires municipalities to not only stop harming young people, but also providing opportunities for students to thrive. The young people in each community may have different priorities for investment, but similar and consistent demands have emerged across jurisdictions: (1) create a universal youth jobs program; (2) provide free transportation for young people, beyond school hours, and (3) invest in providing free, high quality public higher education.

## **POLICY ISSUES**

**Los Angeles** has taken the lead on reducing arrests and court referrals for low-level offenses by requiring district police to channel students to school administrators or an off-campus city resource center if they are involved in a low-level infraction or misdemeanor.<sup>11</sup> San Francisco's police officers in their schools only participating in serious criminal cases, which lead the student arrest rate to fall by more than half.<sup>12</sup>

Beginning in 2013, the **Minneapolis** Public School District

implemented policies to increase engagement while decreasing suspension and out-of-class time.<sup>13</sup> As a result of implementing the new policy, 2013–2014 suspension rates dropped by 50% from 6.6% during the previous school year.

In 2014, in **Montgomery County**, teachers and their union worked with the superintendent on a new student code of conduct. Meanwhile, other districts have signed "memorandums of understanding" with local law enforcement agencies that keep minor offenders out of criminal courts.<sup>14</sup>

Approaches towards disciplinary measures in **Baltimore** have shifted towards promoting positive relationships, intervention strategies, and the use of suspensions only as a last resort.<sup>15</sup> African-American boys have had a 59% decrease in dropouts and a 16% increase in graduation rates between the 2006-2007 and 2012-2013 school years.<sup>16</sup>

During the 2009-2010 school year, **Chicago** offered after- and in-school programming designed to reduce decision-making problems through cognitive behavioral therapy. The program reduced violent crime by 44% and non-violent crime by 36%.<sup>17</sup>

## **LANDSCAPE AND RESOURCES**

The **Center for Popular Democracy** provides provide legal, strategy, and organizing support to local campaigns. **The National Education Association** advocates for educational professionals, students, and high-quality public education. **The Advancement Project** provides resources on making policy changes to school disciplinary practices. **The Opportunity to Learn Campaign** unites a coalition of organizations working to ensure that all students have access to quality public education.

**INTERACTIVE CITATIONS AVAILABLE ONLINE AT  
WWW.LOCALPROGRESS.ORG/NOTES**



# ESSA IMPLEMENTATION

## **THE OPPORTUNITY**

On December 15, 2015, President Obama signed the Every Student Succeeds Act (ESSA) into law, replacing No Child Left Behind (NCLB). This reauthorization shifts decision-making from the federal level back to state and district policymakers, allowing communities to make tailored assessments and plans to meet the unique nature of their communities and public schools. School board members can take immediate local action and can also weigh in on state level decisions.

**TESTING AND ACCOUNTABILITY:** ESSA includes key changes in testing and accountability, eliminating some of the more onerous provisions of NCLB while maintaining a focus on the performance of all students.

- Eliminates Adequate Yearly Progress (AYP), punitive labels for schools, rigid non-research interventions, federally required teacher evaluations, and accountability systems based *solely* on standardized tests.
- Continues annual statewide standardized tests in reading and math in grades three through eight and once in high schools. Allows states to set a cap limiting the amount of time students spend taking annual standardized tests. Provides funding for states to audit and streamline testing, eliminating duplicative tests. It also provides for a new option for high schools to use a different nationally recognized assessment to fulfil the high-school requirement including the ACT, SAT or AP. Creates a state pilot program for local assessments, driven by teaching and learning (not just accountability) that could take the place of state standardized tests.
- Requires that disaggregation and interventions must be evidence-based. Data will be collected on measures of school quality and climate, disaggregated by subgroups of students, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, and chronic absenteeism (excused and in-excused).
- Acknowledges the right of parents and guardians to remove their children (opt out) from statewide

academic assessments where state and/or local policies allow.

## **SCHOOL IMPROVEMENT**

ESSA expands the possible options for school improvement investments, from the four largely punitive School Improvement Grant (SIG) options, and provides an opening for holistic strategies including Community Schools.

- Eliminates the School Improvement Grants Program (SIG) and its four mandated interventions in low-performing schools. Allows local school districts to determine the intervention strategy to be used for school turnaround, including sustainable community schools.<sup>1</sup>
- Protects high-poverty schools by ensuring that they receive more per-pupil funding under a demonstration agreement than they received the prior year.
- New positive language about restorative justice requiring local education agency (LEAs) plans to address the need to provide supports and resources in district efforts to reduce overuse of disciplinary practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by subgroups of students.
- State and local funds may be used to implement programs (e.g. PROMISE), that aim to reduce exclusionary discipline practices; implement school-wide behavioral interventions and supports; and to coordinate resources for school-based counseling and mental health programs, such as school-based mental health services partnership programs.
- Allows states to access targeted funds to support local initiatives aimed at improving student achievement in reading and writing from birth through grade 12. This is an important shift that recognizes the continuing needs of students to attain literacy skills that are necessary to ensure that students graduate from high-school college-and-career ready.

## **SPECIFIC OPPORTUNITIES IN TITLE FUNDING**

- At least 7% of Title I funds must go to school turnaround for the “lowest performing 5%” of schools; one allowable use of these funds is for community school coordinators.
- As in Title I, Title IV provides many funding options for the components of community schools such as the hiring of community school coordinators and funding for all of the pillars named above.
- The *Community Support for School Success Program* provides a small number of grants for full-service community schools. Also included is language that allows for strategies such as: “high-quality early childhood education programs; family and community engagement and supports including engaging or supporting families at school or at home; activities that support workforce readiness including job training, internship opportunities and career counseling, social health, nutrition and mental health services and supports; juvenile crime prevention and rehabilitation programs.”
- ESSA expands the reach of collective bargaining to cover targeted school supports and improvements on Title I and professional development, with pay based on professional growth, the Teacher and School Leader Incentive Program (formerly TIF), and all other provisions of contracts impacted by Title I.

School districts have the opportunity and responsibility to take a leading role in the implementation of ESSA. They can help assemble a diverse implementation team; identify evidence-based interventions they would like to use to help turn around low-performing schools (states continue to be obligated to intervene in the 5% lowest performing schools in the state), and weigh in on the state accountability plans. A key aspect of the law is the need to include voices and perspectives from a diverse array of stakeholders, including educators, in decision making at all levels.

The state of MD passed HD 1139 which mandates the MD State Department of Education (MSDE) to inform and provide technical assistance to districts that use Title I and IV funding under ESSA for community school site coordinators. Community and parent/student organizations, labor unions and advocacy groups can reach out to their state DOE’s and districts to make sure these resources are being made available. Additional steps include:

**COMMUNITY ENGAGEMENT:** School boards can begin by **creating an implementation team or committee** that includes educator, parent, administrator, and community stakeholders who will provide feedback to help craft a district plan. States will develop resource equity plans for the lowest perform-

ing schools in 2016-2017 and the district and local stakeholders are responsible for creating a school improvement plan.<sup>2</sup>

**ACCOUNTABILITY AND TESTING:** Districts can contribute on components of the state accountability plan, take advantage of the opportunity for local assessment pilots, help decide what tests will be eliminated, how needs assessments should be done, and how interventions should be designed and by whom. Districts should issue a letter to the state requesting an audit of assessment and reduce unnecessary testing by passing a resolution to restore time for learning.<sup>3</sup>

Districts can seek approval to use nationally recognized assessments (i.e. SAT, ACT, AP) to fulfill the high school requirement—a potential reduction in federally required standardized testing. Districts should also advocate for their preferred additional indicator of student and school supports; state accountability systems must now include at least one non-standardized test metric, although test scores and grad rates must have greater weight. Districts should also take advantage of a state level advocacy opportunity as ESSA “allows states to decide what happens to schools that miss their participation mark.”<sup>4</sup>

**EQUITY AND INTERVENTIONS:** Districts are required to conduct an “equity assessment” before deciding on an intervention strategy. The parameters of that assessment are not prescribed by the law, although it does call for an analysis of resource disparities. Districts should begin to redirect resources now to the highest need areas. Districts can identify evidence-based interventions that are permitted under school improvement requirements in ESSA.

## **LANDSCAPE AND RESOURCES**

**The National Education Association (NEA)** and **American Federation of Teachers (AFT)** have ESSA guidance and implementation resources available online. **The Center for Popular Democracy** and the **Coalition for Community Schools** provide information on ESSA and Community Schools overlap. **The Annenberg Institute for School Reform at Brown University** provides research and technical assistance for districts, communities and partners to create smart education systems.

# STRENGTHENING OUR PUBLIC SCHOOLS

## **THE PROBLEM**

Our nation's public school system is characterized by dramatic inequities along racial, ethnic and socioeconomic lines. Poor children and children of color are more likely to live in communities where decades of disinvestment have led to high rates of poverty, pervasive unemployment, and a range of threats to health of individuals as well as community cohesion. These systemic challenges limit the ability of communities to generate the property tax revenues necessary to employ and retain high quality teachers, support an engaging, challenging and relevant curriculum, provide an array of enrichment activities, clean, safe and attractive facilities and meet the full set of student needs that serve as barriers to learning.

However, misguided federal, state and local policies created and supported by corporate-supported foundations and lawmakers still support and fund the closing of public schools, expansion of privatization, and the dismantling of democratically elected school boards. Mississippi, Texas, Louisiana, Georgia, Arkansas have all passed or are in danger of passing laws that hand over whole segments of their public schools to the private sector whose primary goal is profit, not the education of our most vulnerable students. Where these policies support the proliferation of charters, they disregard the lack of evidence that these institutions improve on traditional public schools. In doing so, they advance a larger agenda of privatization that threatens to undermine hard-won victories in the areas of civil rights, workers' rights, and good government.

## **SOLUTION**

Quality and equitable education is a long-term public safety strategy. Measures to reduce school dropout, increase access to health and mental health services, and improve employment prospects are proven alternatives to expensive, and often inhumane attempts, to reduce crime via criminalization and incarceration. Studies

show that a 10 percent increase in the graduation rate leads to a 9.4 percent reduction in the crime rate. This effect may also be multiplied, as an increase in graduation rate will also lead to an increase in real wages and lower unemployment rates. Moreover, a one-year increase in education level reduces the crime rate by 1.7 percent. A new report from the Alliance for Excellent Education finds that the nation could save as much as \$18.5 billion in annual crime costs if the high school male graduation rate increased by only 5 percentage points.<sup>1</sup> The future of democracy and the health of our economy both depend on our ability to provide a high-quality education for all the nation's children.

Despite potential danger to educational equity precepts implicit in devolution of policy back to the states, the new Every Student Succeeds Act (ESSA) provides multiple opportunities to create positive school change.<sup>2</sup> For example, it mandates states to include additional measures for school success within accountability systems, including measures on school climate which pave the way for more restorative justice programs. Because the new law does away with federal mandates on everything from assessment, accountability and evaluation, state legislatures will be playing a decisive role in determining how ESSA is implemented. It's now up to the states to work with local stakeholders and districts to design, for example, new and better assessments and accountability systems and follow-through on identifying and filling opportunity gaps.

There is a need for policies that give parents, teachers, and members of the broader community real power to improve struggling schools. But this only becomes reality if parents and communities engage with their local jurisdictions to demand The Public Schools All Our Children Deserve. The Alliance to Reclaim Our Schools (AROS)—an alliance of community organizing groups, teachers unions and research and policy organizations is coordinating strategies around the country to make sure this engagement takes place.

## ***POLICY ISSUES***

The following are important issues to consider in designing local policies to improve education through meaningful parent, teacher, student and community involvement. Policy-makers can tailor their proposals to the political realities of their communities.

Where **charter schools** exist, local policy-makers should strongly advocate for school board oversight and pass a resolution adopting the Annenberg Public Charter Accountability Standards that will ensure maximum transparency and accountability to the community as the charter schools begin to operate.<sup>3</sup> If charter schools express interest in starting, the standards should be passed and the compliance should be a condition for authorization.

For districts looking for a strategy that improves student well-being and academic outcomes, pilots for **community schools** (or an expansion) should be a top priority. Board members should pass a resolution supporting community schools and prioritize funds to support a Community Schools Site Coordinator for each school. Districts should consider the implementation of all six strategies that contribute to the success of community schools in their district.<sup>4</sup>

Districts should analyze and take advantage of **opportunities available to them through ESSA**. The law offers ample opportunity for districts to define their priorities, decide how to allocate resources to support their lowest performing schools and determine a more diverse portfolio of measurements upon which student outcomes are judged. Districts should collaborate closely with district administrators, educators, parents, students and community leaders to design improvement plans and make decisions on accountability and financial priorities for investment. ESSA offers a number of opportunities for district boards to take a leading role in crafting policies and priorities to fit the needs of their community, in fact it requires community and stakeholder input.

## ***LANDSCAPE AND RESOURCES***

The **Alliance to Reclaim Our Schools (AROS)**, **The Center for Popular Democracy and the National Education Association (NEA)** all have resources available that elaborate on holistic and successful school improvement strategies.

# ARTISAN ZONING

## THE PROBLEM

Over the past several decades, urban economies in the United States evolved at jarring speed. As major manufacturers shifted their operations overseas, thousands of blue-collar jobs at the city level were lost and the availability of blue-collar jobs diminished. Yet many urban areas are experiencing signs of manufacturing job stabilization, spurred in part by a growing demand for specialty products and easier access to advanced manufacturing technologies.

Cities are now seeing a new generation of small, local makers and manufacturers develop sustainable ways to make a middle-class living. These producers are the bakers, small-batch brewers, woodworkers, hardware start-ups and artists that enrich the city landscape, support the creation of new family-sustaining jobs, and lift up the city's tax revenue. But without specific zoning laws in place that give producers accessible and affordable locations to set up shop, cities risk stunting the growth of this diversified, resilient economy, in an era where both consumers and nearby businesses are increasingly hungry for locally fabricated products.

## THE SOLUTION

Artisan zoning is an approach to land use and development that provides space for small-scale manufacturers that produce little to no vibration, noise, fumes, or other nuisances, meaning they can fit within a wide variety of industrial, commercial, and even residential districts. Planning departments don't always need a total zoning code overhaul to carve out more spaces for these types of businesses—in some cases, cities have pursued changes or additions to ordinance language instead of drafting new zoning maps from scratch. Some creative approaches include building ordinances around existing but unoccupied industrial facilities, or requiring that new residential buildings devote part of their bottom floor to light industrial production.

Proposals for these types of additions—often referred to as artisan or fabrication zones—are predicated

on their potential boon to the economy. Many types of light manufacturers run low-maintenance and low-cost operations, and can support the revitalization of underserved areas.

## POLICY SOLUTIONS

One of the most creative ways to make space available for artisan manufacturers while revitalizing neighborhoods is to tap into low-cost, vacant, or unutilized real estate that can be repurposed to host a community of producers. Only a small percentage of businesses or communities active in the artisan industry may know they can take advantage of this real estate, so legislators play a key role in widely communicating this approach to those who are looking to ramp up their operations.

When reviewing whether to create artisan zoning changes, elected officials act as the liaison between the planning department and the public. There should be clear consensus on the potential economic and sustainability benefits of supporting small-scale producers in mixed use areas, while also making sure community members are being heard as they question what types of changes new zoning laws may bring to the neighborhood. For example, if artisan manufacturers in the food and beverage industry also want to sell their products out the door, it's important to make sure the business community and residents agree on issues like business traffic or noise. **Indianapolis** is currently navigating this issue, as artisan food and beverage businesses look to expand their retail operations into the night hours.

Legislators can also play a role in making sure zoning language is clear enough that non-industrial interests cannot take advantage of land use changes designed to benefit small businesses. For example, **Philadelphia's** zoning revision in 2012 included an industrial-residential classification that labeled industrial components as optional, meaning a housing developer could build a new apartment condo under the industrial-residential classification without having to provide any space for manufacturers.<sup>1</sup> City council members successfully passed a



bill<sup>2</sup> three years later that required development projects under this provision to mark off 50 percent of the combined ground floor area of all buildings sharing the same lot for light industrial or artisan use, or 60 percent for non-residential use like retail.

Lawmakers can also push the consensus on wraparound partnerships at the municipal level to make sure local makers get the support they need to grow. They can help ensure businesses in the artisan zone know how to access support from local workforce development organizations to connect with job seekers, as well as provide information on how to bid on procurement opportunities for their class of services.

But beyond residents and workforce organizations, officials need to ensure community organizations, anchor institutions, and the small producers themselves are part of the zoning process from start to finish. In order to overcome opposition, advocates can often find allies in unlikely places: the local health department that wants to combat food deserts by allowing local food producers to set up shop in residential areas, neighborhood groups that want local jobs and to fill blighted buildings, police officers who want to reduce the number of vacant buildings that are associated with crime, and transit proponents who support local jobs in residential areas because it means less people need to drive into the city center.

After new zoning ordinances have been established and new spaces are opened up to artisan manufacturers, legislators will be responsible for coordinating closely with enforcement agencies to ensure that new and sometimes experimental approaches to adopting new work spaces fall in line with safety and security codes. That includes setting up an annual schedule for site visitations. There may also be a need to set expectations in artisan zones around the varying schedules of their users, from garbage pickups to parking requirements.

Finally, lawmakers may want to consider long-term planning for the preservation of light manufacturing space in artisan zones. These zones may run the risk of falling victim to their own success as they draw in a mix of new production and residential uses. As residential development sets in, the economics of the production space may change, pricing out artisan producers. To guard against this, lawmakers should explore opportunities to support mission-driven industrial developers that provide an important source of affordable light-manufacturing space.<sup>3</sup>

### **CITIES WITH ARTISAN ZONING CODES**

**INDIANAPOLIS, IN.** Indianapolis began overhauling its zoning ordinance in 2012, with special emphasis on increasing high paying jobs, using the surplus of vacant properties, decreasing the mileage traveled by residents and reducing the need and opportunity for crime. The Division of Planning created two

new designations, Artisan Manufacturing and Artisan Food and Beverage, which allowed small manufacturers to start working in non-industrial areas. It also included a blight-fighting provision that allows artisan manufacturers to work in buildings in certain land use categories that have been vacant for five years, making artisan manufacturing the most easily-permitted form of manufacturing throughout the city. Reactivating these spaces has increased the property value and in turn the tax revenue for the city, and they now provide affordable spaces for start-up companies with a uniqueness that reflects the city's history.<sup>4</sup>

**NASHVILLE, TN.** Nashville started reevaluating its standing zoning ordinance in 2011, with an interest in creating opportunities for manufacturing in the city. It created the "Artisan Zoning" designation for light manufacturers looking to start up in mixed use districts and some live-work districts. One stand-out success of this push has been the Wedgewood Houston plan, which turned approximately 5 acres of what was previously a tow-truck lot into a mixed use space for housing, artists, and light manufacturers.<sup>5</sup> That district is now considered the artisan campus of Nashville, led by maker spaces like Fort Houston, which opened with 10,000 square feet in 2011 but is expanding to a 45,000 square foot space this year.

**BOZEMAN, MT.** Bozeman, with a population of just over 45,000, has been championing a pro-artisan zoning framework since allowing artisan manufacturing to take hold in retail areas like downtown in 2014.<sup>6</sup> As part of the addition, producers must work in an enclosed space, can't hold storage outdoors, or expand beyond 3,500 square feet. The new framework was meant to assist those who create goods with hand tools or "small-scale, light mechanical equipment," and now permits these producers to work in dense areas like downtown. This change is rooted in the city's 2009 economic development plan, which designated manufacturing as one axis to create mid- to high-wage jobs and spur more diversity among the community and its businesses.

### **ADDITIONAL RESOURCES**

For more case studies and detailed examples of artisan zoning, visit **Urban Manufacturing Alliance's (UMA)** Land Use and Real Estate Development Community of Practice or Albany Law School's Community Development Clinic who has worked in partnership with UMA on this area of research.

*Co-authored by the Urban Manufacturing Alliance*



# COMMUNITY BENEFITS

**“There is a movement growing across the country of local elected and appointed officials who recognize that economic development with community benefits can transform local economies and create shared prosperity”**

—The Partnership for Working Families

## **THE PROBLEM**

Too often, major development projects do not deliver tangible benefits to local residents. Instead of yielding good jobs, new affordable housing, environmental benefits, and community amenities, big residential or commercial developments often lead to corporate profits at the community’s expense—both through the loss of tax dollars and displacement.

## **THE SOLUTION**

The community benefits approach aims to ensure that new developments serve the needs of local residents, not just developers and their commercial tenants. This approach ensures that the development process includes community voices and the project delivers meaningful benefits, such as:

- good paying, safe, full-time, career-track jobs in the construction and operation of the project;
- workforce systems that are accessible to communities and effectively prepare people for, and connect them to, project jobs;
- deeply affordable housing that remains affordable either permanently or over the long term;
- important local infrastructure such as community centers, supermarkets, or schools;
- access to project jobs for local residents and those with barriers to employment such as a criminal record;
- reduction and/or mitigation of negative environmental impacts

**THE ROLE OF ELECTED OFFICIALS** Local elected

officials have powerful tools available to ensure that economic development delivers these benefits. For example, they can:

- *Demand strong community benefits in government agreements with developers.* Major development often occurs on city land, or receives public funding or tax breaks that can accrue value to the developer. Local elected officials can demand that in exchange, the developer act in ways that benefit the community.
- *Encourage (but don’t require or oversee) negotiation of private community benefits agreements (CBAs) between developers and community coalitions.* Even if development occurs entirely on private land without public economic assistance, it will likely require land use approvals that need the support of planning boards and city councils. Legislators can encourage negotiation of strong private CBAs by supporting a transparent and robust project approval process that gives impacted communities critical input opportunities in order to be effective advocates for their needs. Legislators can make clear to developers that they will weigh communities’ views seriously in evaluating project approvals. Private community/developer negotiations can address issues that cannot, for legal reasons, be part of the government’s official land use process. The negotiation of CBAs for private projects should happen without the involvement of elected officials; for legal and practical reasons, the process needs to be led by engaged residents and strong advocacy organizations.
- *Enact ordinances and policies establishing baseline community benefits for future projects.* There are important legal limitations to the demands that a city can make of a specific developer in exchange for land use approvals, but legislators generally have the power to adopt rules applicable to a range of development projects, such as living wage, local hiring, or affordable housing requirements.
- *Establish community benefits policy for the disposition of public land.* Local governments often own significant

amounts of land suitable for development and can establish policy governing its disposition that requires community benefit and includes community voice. For example, some portion of each parcel could be reserved for affordable housing, or affordable housing developers could be given a first right of refusal.

- *Incorporate community benefits into land use planning and policy.* In addition to creating a robust and inclusive land use process, legislators can create an infrastructure that encourages provision of real community benefit. They can require major developments to provide Community Impact Reports, detailing the impact that the project will have on jobs, housing, the environment, and public coffers, among other things. They can use regulatory incentives (such as density bonuses) and land value capture mechanisms to strengthen their hand in negotiating for community benefits with developers. They can also write benefits measures directly into specific plans, overlay zones, and other land use controls.
- *Convene key stakeholders to establish a consensus community benefits framework for major projects.* Legislators can also build support for a community benefits program by bringing a broad range of community voices together to build consensus around benefits and lay down a political marker for how development should happen.

The above list provides a number of citywide measures that support community benefits. Some policymakers have also explored Detroit’s recently-adopted approach<sup>1</sup> of requiring the negotiation of community benefits agreements on major subsidized projects, with a mix of appointed and elected individuals serving as the community representatives. Without good design, this general approach can replicate rather than shift power dynamics that disadvantage low-income communities and communities of color, leading to the kind of ineffective arrangements<sup>2</sup> that have accompanied some projects, so policymakers should approach it with care.

### **EXAMPLES OF SUCCESSFUL COMMUNITY BENEFITS EFFORTS**

**NATIONWIDE, 2018:** In response to Amazon setting up a subsidy bidding war for its HQ2 project, 130 organizations sent Amazon CEO a “wish list” that laid out all the things that they would like HQ2 to provide if it is located in their communities.<sup>3</sup>

**NASHVILLE, 2018:** In response to community concerns over the rise in worker fatalities and injuries on publicly-subsidized developments, Metro Council adopted the “Do Better” Bill in January. The ordinance calls for more transparency in the approval process of cash grants and property tax freezes, known as PILOTs, for large businesses. It also addresses the current lack

of accountability regarding the number and quality of jobs that the businesses awarded these incentives actually create, and whether all residents have a fair chance at getting one.

**OAKLAND, 2017:** The Revive Oakland Coalition completed a negotiation with the Port of Oakland and its developer of a set of jobs policies for a major warehousing and logistics development on the site of the former Oakland Army Base. The coalition had earlier completed negotiation of a similar set of policies for the city-owned portion of the project. The policies establish strong requirements for local hire, disadvantaged hire, protection against misuse of criminal histories in the hiring process, living wages, limitations on the use of temporary workers, and community oversight and enforcement. The policies were included in the lease and development agreement between the government entities and their developers. The coalition also entered into agreements with the Port and city not to oppose project approvals and the Port and city agreed to enforce the jobs policies.

**MILWAUKEE, 2016:** The Milwaukee Bucks and the Alliance for Good Jobs entered into a community benefits agreement covering end-use employees at the new Bucks arena and in the surrounding development zone. The agreement enshrines “\$15 and a union” standards and establishes the basis for a new form of worker organization through a combination of monitoring/enforcement, organizing rights, workforce obligations, and a hiring hall—all under the control of the Alliance.

### **LANDSCAPE**

Land use and economic development policy is highly local and complicated, and legislators should consult with lawyers and advocates early in the development process.

The leading organization working on community benefits is the **Partnership for Working Families (PWF)** and its Community Benefits Law Center. Its website has extensive resources on community benefits,<sup>4</sup> including a guide for elected and appointed officials, “Delivering Community Benefits through Economic Development.”<sup>5</sup> **Good Jobs First**, which advocates for making economic development subsidies more effective and accountable, has extensively tracked the provision of public subsidies and created a valuable set of materials to introduce readers to the development process.<sup>6</sup> **The Center for Popular Democracy**, with long experience using community organizing to win local legislation, can help you build a strong coalition in favor of development that works for your entire city.

*Co-authored by the Partnership for Working Families*



# EQUITABLE ACCESS TO CAPITAL FOR URBAN MANUFACTURERS

## **THE PROBLEM**

Small businesses are a keystone of a strong local economy. In 2014, small businesses with less than 100 employees provided nearly one-third of all private sector employment in the U.S.<sup>1</sup> Manufacturers are some of the most impactful among small businesses; for every \$1 you invest in your local manufacturer, they generate \$1.89 in the community through job creation and by working with other local businesses.<sup>2</sup> Production jobs, or jobs where you create a physical good, still typically pay more than the living wage required to meet minimum standards of living in numerous U.S. cities.<sup>3</sup> While educational attainment requirements are rising in some manufacturing sectors, many of these jobs do not require a college degree, meaning they can help build wealth and provide economic mobility to individuals who do not have the means to attend a four-year university.<sup>4</sup>

To help these companies grow, new partnerships are needed to produce low-interest loans and lines of credit for urban manufacturers—particularly those which do not qualify for traditional bank services. The Urban Manufacturing Alliance’s *State of Urban Manufacturing* research found that city-based manufacturers with less than 10 employees were struggling to scale because they could not access more capital.<sup>5</sup> While the *State of Urban Manufacturing* research is limited to 16 cities, nearly 60 percent of all manufacturers in the United States have less than 10 employees.<sup>6</sup>

Bank loans are particularly difficult to obtain for those with new businesses or low-income entrepreneurs because of strict credit standards. As a result, these business owners typically subject themselves to private loans which charge six to seven times the interest of a bank loan.<sup>7</sup> Those who are unable to find any loans often turn to credit cards, which carry interest rates that range from 11 to 24 percent.<sup>8</sup>

To grow their companies, small businesses are also forced to rely on their own savings or financial support from family and friends. But this creates significant equity implications. Personal wealth or the wealth within

one’s network may be a major determinant of growth for makers and manufacturers that are looking to expand. Aspiring entrepreneurs from communities with historically low wealth, like communities of color and those without a college degree, are thus kept at a distance from the capital they need to bring ideas to scale and potentially create jobs.

The *State of Urban Manufacturing* found that a large percentage of small manufacturing businesses in U.S. cities are only a few years old, meaning they are past the so-called start-up phase. National interest in start-ups, fueled by the technology industry, has inspired numerous forms of capital aimed at nascent business models in the form of loans or incubators. But smaller businesses that have a solid footing yet are looking to grow are in need of additional capital that can help them expand their workforce, buy new equipment to create more or new products, or buy their first piece of real estate.

## **THE SOLUTION**

Cities are creating multi-stakeholder approaches to address this concern. Policymakers, local financial institutions, nonprofits, and public-private partnerships are working together to create capital programs that target manufacturers and other businesses which are two or more years old. Some of these programs strive to benefit entrepreneurs from communities that cannot access traditional bank loans, like low-income entrepreneurs or those without a credit history. Others require that manufacturers have been in operation for a set number of years—a kind of proof that the company’s idea is viable. In all cases, these partnerships are providing small manufacturers and other businesses across the country with millions of dollars of additional funding, giving them the extra financial boost they need to purchase new technology or set up shop on Main Street.

## **EXAMPLES OF SUCCESSFUL EFFORTS**

While the following examples benefit businesses from multiple sectors, each has provided loans to urban manufacturers.



The Community Economic Development Fund (CEDF) Small Business Express Program in **Connecticut** provides term loans that range from \$1,000 to \$250,000 to businesses that have been turned down by banks. It targets two types of borrowers: businesses that make less than \$90,000 a year and have been turned down by banks, or businesses that have been turned down by banks and operate in one of 53 communities, like Bridgeport, New Haven, and Hartford. Borrowers usually have poor credit and limited collateral. Loans are intended to cover start-up costs, inventory, and equipment. There is no application fee for loans, which come with repayment terms of up to 10 years. Borrowers have access to CEDF's business advisory services, educational workshops, and seminars. In 2017, the program issued 24 small business loans worth \$615,700, averaging out at nearly \$25,600 per borrower. The program also provides lines of credit with variable interest rates up to \$250,000 per business. The CEDF Small Business Express Program has received grants and equity investments from Key Bank and the Savings Institute Bank & Trust. Previous funders included Bank of America, Citizens Bank of Connecticut, Union Savings Bank, Wells Fargo Bank, and others.<sup>9</sup>

The **Philadelphia Industrial Development Corporation** (PIDC) provides working capital and equipment loans to small and midsize businesses. These loans help businesses purchase machinery and equipment, provide for facility and building upgrades, and act as general working capital. Loans range from \$50,000 to \$750,000. To qualify, companies must have revenues between \$150,000 to \$10 million, have been in operation for at least two years, and employ at least four employees. Priority is given to businesses that locate in low-to-moderate income census tracts or employ individuals from low-to-moderate income backgrounds. Application fees range from \$250 to \$1,000, depending on loan size. In 2016, PIDC granted 75 loans to small and growing businesses. More than 60 percent of its clients in 2016 were small, minority- or women-owned businesses. The PIDC, which is run by a board of directors that were appointed by the City of Philadelphia and the Greater Philadelphia Chamber of Commerce, created these loans with technical and financial support from Entrepreneur Works, Finanta, The Reinvestment Fund, Women's Opportunities Resource Center, The Enterprise Center, North Philadelphia Financial Partnership, Impact Services Corporation, and others.<sup>10</sup>

The **City of Rochester** partnered with the microloan platform Kiva in 2016 to begin offering crowdsourced loans to entrepreneurs, with an emphasis on entrepreneurs who may not qualify for traditional bank loans. Loans range between \$1,000 and \$10,000 at zero percent interest. The loans are crowdfunded \$25 at a time, meaning individual investors loan up to \$25 to

businesses that they deem viable. Repayment terms range from six to 36 months. Companies with less than a year in operation can receive up to \$2,000; companies with some revenue and one to three years in operation can receive up to \$5,000; and established companies with three or more years in operation and steady revenue can receive up to \$10,000. Borrowers usually use loans for facility improvements, to buy new equipment, or to set up their business in a storefront.<sup>11</sup> The Rochester Economic Development Corporation dedicated \$100,000 to jumpstart this partnership. In its first year, more than 160 local people invested and over 21 businesses were funded. Over 75 percent of the businesses were minority-owned. And of those, 75 percent of businesses receiving loans have household incomes of \$40,000 or less, and credit scores of less than 700. It is the only Kiva program where the trustee for the program is the City of Rochester, as opposed to a nonprofit, individual, or community group.<sup>12</sup>

## **LANDSCAPE AND RESOURCES**

Those interested in learning more about capital access programs should research the Local Initiatives Support Corporation (LISC), which provides loans to small businesses in underserved areas across the U.S.; the National Development Council, a national non-profit which teams up with local community partners to provide loans and capital to small businesses; and the Urban Manufacturing Alliance, which connects local service providers to help create more capital access programs.

*A special thank you to Albany Law School's Community Development Clinic for their extensive research in this area.*

*Co-authored by the Urban Manufacturing Alliance*





# SMALL BUSINESS SUPPORT

## **THE PROBLEM**

Locally owned businesses play a central role in healthy communities, and are among the best engines that cities and towns have for advancing economic opportunity. Small business ownership has been a pathway to the middle class for generations of Americans, and continues to be a crucial tool for building wealth and community self-determination. This is something many people understand intuitively, and it is also borne out by research that finds that the presence of locally owned businesses is linked to higher rates of job creation, less income inequality, and stronger social networks.<sup>1</sup>

Despite these benefits, in many communities, small businesses are disappearing. Between 1997 and 2012, the number of independent retailers fell by about 108,000 and small manufacturers declined by 70,000.<sup>2</sup> Even more alarming than the overall decline in small businesses is the fact that it appears to have become much harder to launch one: The number of new firms created each year has fallen by nearly half since the 1970s, a trend that economists say is slowing job growth.<sup>3</sup>

Contrary to popular perception, this decline isn't because local businesses aren't competitive. In many cases, it's because public policy and concentrated market power are working against them. Misguided zoning policies, soaring real estate costs, and financing terms that incentivize landlords to rent to chains<sup>4</sup> are making it harder for local businesses to find suitable space. Banking consolidation and the decline of local financial institutions has left more entrepreneurs struggling to obtain the capital they need, a barrier that is especially acute for Black, Latinx, and women entrepreneurs.<sup>5</sup> Economic development subsidies and tax incentives further skew the playing field by disproportionately flowing to big corporations.

## **THE SOLUTION**

As policymakers begin to recognize these barriers, some are taking action to ensure that their communities are places where local businesses can thrive. Here is a sampling of the strategies they are using.

**GET ZONING RIGHT FOR SMALL BUSINESSES.** Rather than favoring strip malls and large-format development, zoning should support multi-story, pedestrian-oriented districts that include a mix of small and large commercial spaces, and that preserve historic buildings. This type of varied building stock offers the best habitat for local businesses, and research has found that neighborhoods with a range of building types and ages have more startups per square foot.<sup>6</sup>

**SET ASIDE SPACE FOR LOCAL BUSINESSES IN NEW DEVELOPMENT.** Cities can require development projects to reserve a portion of their first-floor space for small storefronts and for locally owned businesses, either as a condition of permitting or through agreements in particular projects, as **Austin, Portland, Ore.**, and other cities have done. Because of financing incentives and national relationships, new development is often oriented to the needs of large chains; set asides can help close the gap.

**ADOPT A BUSINESS DIVERSITY ORDINANCE.** A Business Diversity Ordinance can ensure that independent, neighborhood-serving businesses don't get crowded out by chains. Municipalities around the country, from **Fredericksburg, Texas**, to **Jersey City**, have used this tool effectively. **San Francisco's** 12-year-old policy is one of the most comprehensive. It requires a "formula" business to apply for a special use permit and meet criteria in order to locate in any of the city's neighborhood commercial districts.<sup>7</sup>

**FACILITATE ADAPTIVE REUSE OF VACANT BUILDINGS.** Cities can establish an Adaptive Reuse Program to help local entrepreneurs turn vacant historic buildings into new businesses. In **Phoenix**, for instance, the program offers permit-fee waivers and a faster timeline for eligible projects. In **Anchorage, Alaska**, a land trust works with local entrepreneurs to repurpose derelict commercial properties.

**REORIENT ECONOMIC DEVELOPMENT INCENTIVES.** Economic development incentive programs disproportionately favor big companies,<sup>8</sup> and what's more, they often don't work. Instead of giving public dollars to big businesses, cities should redirect these resources to foster local businesses, as some cities, like **Grand Rapids, Mich.**, are doing. Another model can be found in **Portland**, where the city has several initiatives to accelerate the growth of minority-owned businesses.

**OPEN A SMALL BUSINESS OFFICE.** Cities should create a position within city government to guide business owners through local permitting requirements, and to serve as a liaison between small businesses and policymakers. Models include a Small Business Navigator office such as those in **Montgomery County, Md.**, and **Minneapolis**, or a Small Business Commission, such as the one in **San Francisco**.

**GIVE PREFERENCE TO LOCAL BUSINESSES IN PURCHASING.** Cities should establish a preference for locally owned businesses in city purchasing, and include clear definitions, goal-setting, and reporting to ensure that their purchasing doubles as economic development, as **Cleveland** has done. Cities can also establish a preference for local businesses when leasing city-owned commercial space, as **Seattle** is doing with its King Street Station.

**EXPAND ACCESS TO CAPITAL.** Community banks supply a majority of small business loans. As their numbers have plummeted in the last decade, so too has lending to small businesses. To strengthen and expand these institutions, **Oakland, Santa Fe**, and other cities are exploring setting up a public partnership bank, modeled on the Bank of North Dakota. Another helpful approach is to establish a one-stop, single-application portal for local entrepreneurs seeking loans, as **Philadelphia** has done with its Capital Consortium.

## **LANDSCAPE & RESOURCES**

For scholarship on the benefits of locally owned businesses, see the **Institute for Local Self-Reliance's** resource page, "Key Studies: Why Local Matters."<sup>10</sup> For more about how the built environment can support local businesses, see the ILSR report, "Affordable Space."<sup>11</sup> Detail about the decline of local businesses can be found in the ILSR report, "Monopoly Power

and the Decline of Small Business."<sup>12</sup> Also see the ILSR articles "Access to Capital for Local Businesses,"<sup>13</sup> "How San Francisco is Dealing With Chains,"<sup>14</sup> and "Procurement Can Be a Powerful Tool for Local Economies, but Takes More Than a Policy Change to Work."<sup>15</sup>

*Co-authored by the Institute for Local Self-Reliance*



# FIGHTING BACK AGAINST FORCED ARBITRATION

## **THE PROBLEM**

Forced arbitration refers to the growing practice by large corporations of requiring workers or consumers to resolve any potential claims against the company through a binding arbitration process. These “agreements,” which are often buried in the fine print of form contracts, eliminate the right to sue in court. People who experience fraud, wage theft, sexual harassment, or another legal injury have to make their case to a private arbitrator hired by the corporate defendant, rather than a judge. Forced arbitration clauses typically also preclude participation in class or collective action lawsuits, prohibit appealing an arbitrator’s decision, and saddle plaintiffs with excessive arbitration costs.

Arbitration can be a cost-effective dispute resolution mechanism for two parties with equal or similar bargaining power. But when companies unilaterally set the terms by including arbitration in take-it-or-leave-it contracts, working people have little chance of winning. An estimated 98 percent of employment cases that would otherwise be brought are abandoned because of the difficulty of prevailing in arbitration. This silencing effect results in 315,000 to 722,000 “missing” employment cases every year.<sup>1</sup>

Today over half of American workers, tens of millions of consumers in financial markets, and virtually all students at for-profit schools are subject to forced arbitration.<sup>2</sup> And the numbers are rising.<sup>3</sup> This weakening of private enforcement mechanisms shifts the responsibility of ensuring compliance with local consumer and employee protection laws to over-burdened and under-resourced public agencies. Without private litigation to supplement public investigations, employment discrimination, sexual harassment, wage theft, and consumer fraud remain unexposed and undeterred.

Forced arbitration not only prevents workers and consumers from seeking justice and emboldening corporations to pursue predatory practices, it undermines government transparency and accountability. Forced arbitration clauses typically include confidentiality pro-

visions, which shroud in secrecy the allegations brought against corporations, evidence of claims, and determinations reached. For cities, forced arbitration may allow unscrupulous employers to obtain government contracts by obscuring a potential contractor’s compliance history. Cities often prefer to award contracts to companies that meet certain quality standards, but by burying evidence that a company has stiffed suppliers, cheated workers, or defrauded customers, forced arbitration may allow law-breaking companies to maintain eligibility for municipal contracts. Forced arbitration therefore prevents cities from acting as informed participants and responsibly managing the funds entrusted to them.

## **THE SOLUTION**

**PROMOTE ENFORCEMENT OF LOCAL LAWS BY DELEGATING ENFORCEMENT AUTHORITY:** Limited resources for local enforcement agencies does not have to mean limited enforcement of local consumer and employment protection laws. To increase enforcement capacity, municipal agencies can delegate their enforcement powers to individual residents. Those individuals can then act on behalf of the city to bring suit against violators on behalf of all similarly situated people (e.g., all workers at the same company). Because the claim is brought in the city’s name, it cannot be forced into arbitration.

In 2004, **California** enacted the Private Attorneys General Act (PAGA), which authorized aggrieved employees to file lawsuits to recover civil penalties on behalf of the State of California for Labor Code violations. This delegation of power has proven a powerful tool in enforcing labor laws. The majority of penalties recovered in these actions revert to the government, generating more revenue for public investigation and enforcement activities. **New York** and **Vermont** are considering similar policies to authorize aggrieved employees or representative organizations to initiate public enforcement action for violations of labor law or consumer protection statutes on behalf of the state.

**ASSERT MARKET POWER AND REQUIRE TRANSPARENCY OF GOVERNMENT CONTRACTORS:** Cities can protect their interest in effective and responsible marketplace participation by refusing to contract with businesses that use forced arbitration. Contracting only with corporations that allow workers and consumers access to court allows cities to make informed choices based upon past corporate practice. This policy would ensure that local dollars are spent to procure quality goods and reliable services from entities that do not engage in patterns of undesirable or unlawful conduct.

Alternatively, cities can require contractors that use forced arbitration to disclose those clauses as well as data about claims that result in arbitration. Relevant data could include types of claims, counter claims, decisions and any award ultimately issued by the arbitrator. Access to this type of information will allow cities to identify favorable or unfavorable practices when considering contracting for a service.

### ***LANDSCAPE AND RESOURCES***

For more information on forced arbitration, see The Center for Popular Democracy's report, **Justice for Sale: How Corporations use Forced Arbitration to Exploit Working Families** or contact Rachel Deutsch (rdeutsch@populardemocracy.org).

# FOOD PROCUREMENT POLICIES AND PROGRAMS

*“The Good Food Purchasing Program is essential to the health of communities. It ensures that workers throughout the food supply chain have their rights protected, are treated with respect, and are paid living wages. It is not sustainable for our institutions to choose vendors based on lowest bids—this undermines our economy and our communities. The GFPP is the best program I’ve seen in a long time that is good for customers, families, workers, and vendors. In Southern California, Gold Star Foods is growing as a company, schools throughout the region receive quality, sustainable food, and Gold Star employees have financial security while their children benefit from good, nutritious food at school”*

—Randy Cammack, Teamsters Joint Council 42 President

## **THE PROBLEM**

The food system is the largest employment sector in the United States, with more than one out of every seven workers (21.5 million) working along the food chain.<sup>1</sup>

Most food-chain workers are in non-managerial, low-wage positions, and frontline food-chain workers are predominantly people of color, immigrants, and women.<sup>2</sup> Food-chain workers are also at high risk for experiencing food insecurity, wage theft, lack of access to health care, harassment, intimidation, and workplace injury and illness.<sup>3</sup> In fact, at \$10 per hour, food-chain workers make the lowest hourly median wage of all workers in the United States and are more than twice as likely to be on food stamps than any other U.S. worker.<sup>4</sup>

## **THE SOLUTION**

Values-based procurement is one tool that local officials can use to support food-chain workers and encourage positive changes in the overall food system. Policies like the Good Food Purchasing Program (GFPP) require transparency in food procurement, and help track and monitor problematic suppliers to improve institutional food-supply chains by moving them toward sustainable, fair, humane, healthy, and local procurement practices. Passage of GFPP has been critical for ensuring fair wages and working conditions for food-chain workers

and protecting workers’ rights in participating supply chains, as well as increasing levels of nutritious food, strengthening local economies, reducing environmental impacts of food production, and supporting the humane treatment of animals. As more institutions participate in such programs, the collective impact offers building blocks for the larger, transformative change much needed within our food system and economy.

The GFPP was developed in 2012 by the Los Angeles Food Policy Council with support from a host of stakeholders, including the Food Chain Workers Alliance. The program was created for local institutions and governments across the country with the goal of bringing more good food into underserved communities and a focus on five values: (1) local economies; (2) environmental sustainability; (3) valued workforce; (4) humane treatment of animals; and (5) health and nutrition. Similar to LEED certification (an internationally recognized green-building rating system), each value category has a tier of standards, and both suppliers and food items are evaluated and assigned a tier based on performance. Each supplier and food item is assigned a certain number of points and the participating institution (e.g., a city or school district) is then awarded one to five stars based on the assessment of its suppliers and the food it is buying.<sup>5</sup> The tiered, points-based scoring system allows



institutions to choose which level of commitment best suits their goals at a given time and offers incentives to continually increase the amount of good food that it purchases. Importantly, each value category has a baseline standard that must be met, so institutions are not able to limit themselves to changes that are easy or skip any value category.

To date, the Program has been adopted by eight institutions in Los Angeles, San Francisco, Oakland, and Chicago, including two of the largest school districts and the second largest county in the country, where the policy applies to the use of over \$525 million public dollars every year. Critical to GFPP's success is the building of local coalitions that provide space for those most impacted—including frontline food workers and communities of color—to play a key role in the leadership of this work: local community and worker groups work closely with institutions during adoption and implementation.

### **CITY AND COUNTY MODELS**

**LOS ANGELES:** The GFPP was initially passed in 2012 by the City of Los Angeles and Los Angeles Unified School District (LAUSD). Since then, the program has fostered change in institutional supply chains by increasing demand for fair, sustainable, local, healthy, and humane food—causing ripple effects for local food-chain workers. The GFPP has led to the creation of 220 new well-paying jobs in Los Angeles County and has been leveraged by the Los Angeles GFPP Coalition to block low-road employers from gaining lucrative institutional food contracts. Furthermore, labor partners have leveraged GFPP requirements to protect workers from union-busting tactics. The GFPP's standards require employers participating in the program to respect workers' rights to organize and collectively bargain without fear of retaliation. For example, Teamsters Local 63 and Joint Council 42 used GFPP to stop a local distributor in the LAUSD supply chain from intimidating its workers who were seeking union representation. This action led to over 150 of the distributor's drivers voting in favor of union representation by the Teamsters. Once the drivers joined the union, the Teamsters developed a positive relationship with the distribution company, who then agreed to be neutral as its warehouse workers decided whether they wanted union representation as well. The workers decided to join the union, and in January 2018, warehouse workers won a union contract—with a total of nearly 400 employees who now have higher wages, better health benefits, and stronger workplace protections. These victories are a testament to strong workplace organizing and a model for others on using GFPP as a tool for securing increased protections and higher wages for food-chain workers.

**CHICAGO:** In 2018, Cook County, IL, the nation's second-largest

county, became the first in the country to adopt the GFPP. The passage came on the heels of a string of GFPP adoptions in 2017 by the Chicago Public Schools, the Chicago Parks Department, and the City of Chicago—directing close to \$325 million annually toward purchasing good food. These successes were made possible by a grassroots Chicago coalition that ensured GFPP was adapted to meet local needs and priorities. Thanks to their leadership and that of county champions, the Cook County resolution not only requires county purchasing to follow GFPP standards, it also prioritizes incentives in their food-procurement contracts for residents, communities, and enterprises who can gain the most and who have not had access to such resources in the past. This includes incentives for:

- businesses located in and hiring from low-to-moderate income communities, and persons with prior arrests and/or prison records; and,
- farms growing organically and using bio-intensive methods.

Additional coalitions are working to expand GFPP in the San Francisco Bay Area, Buffalo, Cincinnati, Denver, New York City, Northwest Arkansas, Los Angeles, Washington, D.C., and the Twin Cities.

### **LANDSCAPE AND RESOURCES**

The **Food Chain Workers Alliance** is a coalition of worker-based organizations whose members plant, harvest, process, pack, transport, prepare, serve, and sell food, organizing to improve wages and working conditions for all workers along the food chain. See [www.goodfoodcities.org](http://www.goodfoodcities.org) for more information.

The **Center for Good Food Purchasing (CGFP)**, is a non-profit organization that provides technical assistance and implementation support for institutions that adopt the GFPP. CGFP staff assess how supplier practices stack up against GFPP standards through a rigorous verification process that includes an in-depth analysis of each supplier's production practices.

The **International Brotherhood of Teamsters** and **United Food & Commercial Workers Union** represent people who work in different aspects of the food chain. As representatives of workers who are intimately familiar with food production, processing, and service, these unions are great resources and partners to engage in pursuing good-food purchasing policies.

*Co-authored by the Food Chain Workers Alliance.*



# MAKING JOB SUBSIDIES TRANSPARENT TO ENABLE PARTICIPATORY ECONOMIC DEVELOPMENT

## **BY GOOD JOBS FIRST**

Local and state governments spend tens of billions of dollars per year on programs intended to promote job growth. Yet in many jurisdictions, the effectiveness of those programs, the companies that benefit from them, and the number of jobs attributable to them is either unavailable or not easily accessible to the general public.

This lack of transparency is particularly acute at the local level, where fewer than one-third of the nation's biggest cities and counties disclose deal-specific costs or benefits for incentive programs.<sup>1</sup> Without access to information to determine the success of such programs, it is difficult to hold policymakers and agencies accountable for those that fall short. Even programs that perform well are undermined by a secrecy that can foster skepticism among citizens wary of government corruption or incompetence.

Both before deals are approved and as they play out over time, the public has a right to full disclosure of program expenditures and performance outcomes. In order to ensure that this disclosure is meaningful, this information must be made available online and as quickly as it becomes available. Disclosures should include project applications; any cost-benefit studies or other vetting records; and proposed additional assistance such as infrastructure commitments, land parceling, or displacement of businesses or residents. There should also be public hearings during non-working hours, in the project neighborhood, with advance notice, childcare, simultaneous translation services, and encouragement for public attendance.

## **EXISTING MODELS**

A few cities and private actors offer models of what robust transparency can and should look like. Ironically, some of these examples include some of the most controversial programs, as ineffective or wasteful policies are most likely to invite calls for transparency. However, the protocols described below can do as much to promote effective policies as expose problematic ones.

**New York City's** Industrial Development Agency (IDA), in response to years of advocacy by Good Jobs New York, has developed a comprehensive and accessible disclosure process.<sup>2</sup> What had been a meeting attended only by staff and publicized by a Legal Notice in tiny print in one newspaper became a monthly hearing announced via email to anyone who chose to sign up for notifications and pertinent information posted 12 days in advance. While it is recommended to have even more lead time for organizers and members of the general public to review and analyze meeting materials, the 12-day notice period is a step in the right direction.

The IDA also embraced robust disclosure of outcomes over time, publishing deal-specific data online in a form that could be downloaded and mapped. As a result of these reforms, the IDA meetings became well-attended, with community groups, environmentalists and unions regularly providing input on proposed subsidies. As public participation became commonplace, IDA staff found their work strengthened rather than threatened.

Other cities with robust disclosure protocols include **Memphis, TN; Chicago, IL; and Austin, TX.** In each case, it was citizen activism that led to greater transparency. In Chicago, for example, tax increment financing (TIF) has long been a controversial issue, with many arguing the program should not exist at all. TIF captures one tenth of the city's property taxes, and one TIF district alone cost public services almost \$1 billion.

Civic Lab, a local community group, uses this data to develop workshops for Chicagoans to understand the local impacts of the program and decide for themselves whether it is beneficial.

## **A BREAKTHROUGH IN TRANSPARENCY: MANDATING TAX ABATEMENT DISCLOSURE**

While state and local action on this issue is critical, the Governmental Accounting Standards Board, a private organization that develops the Generally Accepted Accounting Principles (GAAP) used by local and state

governments, has published a policy requiring mandatory tax abatement disclosures. Issued in 2015, Statement 77 requires most local governments—cities, counties, school districts and other taxing bodies—to report how much revenue they lost to tax abatement programs.<sup>3</sup>

Because GASB Statement 77 applies uniformly to localities in any given state, it will not only allow for the analysis of a particular jurisdiction’s policies but comparisons across jurisdictions. This will allow for a review of the level of investment in job creation applied to low income, immigrant and communities of color.

### **THE ECONOMIC DEVELOPMENT ACCOUNTABILITY ACT**

In order to promote greater transparency in subsidy programs, **Good Jobs First** has drafted model legislation for accountability in economic development. Under this model legislation, economic development programs would be required to disclose the businesses they invest in and provide annual reports on their progress. The legislation also sets standards for the quality of the jobs created, and provides for clawbacks where companies fail to meet the promised targets.<sup>4</sup>

### **LANDSCAPE AND RESOURCES**

#### **RESOURCES**

Good Jobs First’s Subsidy Tracker contains more than 580,000 deal-specific records and can be searched by more than 10,000 localities. The GASB 77 resource page and Subsidy Tracker 2 that captures the GASB 77 data, as well as the model legislation are all available online at [www.goodjobsfirst.org](http://www.goodjobsfirst.org).

*Co-authored by Good Jobs First.*



# RACIAL EQUITY IN OUR CITIES

*“Without a broad and deep commitment to a genuinely shared and comprehensive strategy, we are never going to get beyond small, fragmented, often narrow programs and services that are insufficient in scale, intensity, continuity, and scope to make a lasting impact on the life trajectories of at-risk children and their families.”*

—Race to Equity, **Wisconsin Council on Children and Families**

## **THE PROBLEM**

From the inception of our country, local, regional, state and federal governments have played a role in creating and maintaining racial inequity. Despite progress in addressing explicit discrimination, racial inequities continue to be deep, pervasive and persistent across the country, including in education, criminal justice, jobs, housing, infrastructure and health, regardless of region.

Many current inequities are sustained by historical legacies and structures that repeat patterns of exclusion; for example, because funding for schools comes from a local tax base, racial and economic segregation in housing leads to tremendous inequities in education, which itself perpetuates inequity. Although there is a strong relationship between race and class, simply talking about class is not enough. Taking a “color-blind” approach to governance allows racial inequities to continue, and therefore, local government should explicitly target both racial and economic inequities.

## **THE SOLUTION**

Local government has the ability to implement policy change at multiple levels and across multiple sectors. Because race touches on almost every facet of life, governments have the opportunity to address racial inequity across a wide breath of issue areas.

Examples of local government successes include the following:

Use of a Racial Equity Tool in budget, policy and program decisions. Racial Equity Toolkit: An Opportunity to Operationalize Equity (in multiple cities and counties across the country).<sup>1</sup>

Transforming the relationships between police officers and community members. Project PEACE: City of **Tacoma, WA** Police Department Partnering for

Equity and Community Engagement.<sup>2</sup>

Working to eliminate racial inequities in employment. Minimum Qualifications: Best Practices in Recruitment and Selection Advancing Racial Equity in **Multnomah County**.<sup>3</sup>

Analyzing and using data to motivate action. City of **Dubuque, IA**. Partnering to Develop a Community Equity Profile and Scorecard.<sup>4</sup>

Use of criminal background checks in employment decisions. The Job Assistance Ordinance: Expanding Opportunity for Workers in **Seattle**.<sup>5</sup>

Meaningful shifts in the inclusion of communities of color in government. City of **Madison, WI** elections, poll workers and racial equity, a winning combination.<sup>6</sup>

National movement of local government leaders. The cities of **Albuquerque, Austin, Grand Rapids, Louisville,** and **Philadelphia** are members of Racial Equity Here, a coalition of cities that works to provide technical support, tools, and effective practices to organizations in their cities that are working to change the mechanisms that perpetuate racial gaps.<sup>7</sup>

## **BEST PRACTICES**

Government must also recognize that policy change is necessary, but not sufficient. Organizational culture changes that transform government into an effective and inclusive democracy are also necessary. Key lessons learned across jurisdictions include the following:

**ANALYSIS:** Jurisdictions must use a racial equity framework that clearly articulates the differences between individual, institutional and structural racism, as well as implicit and explicit bias. We must recognize the historical and current reality that government played an integral role in the creation and maintenance of racial inequities.

**CAPACITY:** Jurisdictions need to be committed to the breadth and depth of institutional transformation so that impacts are sustainable. While the leadership of elected and appointed officials is critical, changes take place on the ground, and infrastructure that creates racial equity experts and teams throughout local government is necessary.

**TOOLS:** Racial inequities are not random; they have been created and sustained over time. Inequities will not disappear on their own. Racial equity tools must be used to change the policies, programs and practices that are perpetuating inequities. Such tools lay out a process and a set of questions to guide the development, implementation and evaluation of policies, initiatives, programs, and budget issues.

**DATA AND METRICS:** Measurement must take place at two levels—first, cities should measure the success of specific programmatic and policy changes, and second, they should develop baselines, set goals, and measure progress. Use of data in this manner is necessary for accountability.

**PARTNERING:** To achieve racial equity in localities, government must work in partnership with community and other institutions to achieve meaningful results.

**URGENCY:** While there is often a belief that change is hard and takes time, history has shown repeatedly that political can lead to rapid reforms. The alignment of political priorities with concrete policy and behavior changes has led to important societal shifts. Similar success can be had in achieving racial equity if local officials are motivated by urgency.

**INCREASING EVERYBODY’S WELLBEING:** Local government’s focus on racial equity is critically important to getting to different outcomes in our communities. The goal must be beyond closing the gap; leaders must establish appropriate benchmarks that lift up all populations while paying close attention to those often excluded. Advancing equity means focusing on more than just disparities. Systems that are marginalizing communities of color (whether education, criminal justice, or voting rights) are actually failing all of us both directly and indirectly.

We must develop goals and outcomes that will result in improvements for all groups, with the strategies developed based on the needs of a particular group. This specificity will increase our collective success and be cost effective.

**LEADING WITH RACE:** Focusing on race provides an opportunity to also address other ways in which groups of people are marginalized, including based on gender, sexual orientation, ability, and age. To have maximum impact, focus and specificity are necessary. Strategies to achieve racial equity differ from those to achieve equity in other areas. “One-size-fits-all” strategies are rarely successful.

A racial equity framework that is clear about the differences between individual, institutional and structural racism, as well as the history and current reality of inequities, has applications for other marginalized groups. Race can be an issue that keeps other marginalized communities from effectively coming together. An approach that recognizes the inter-connected ways in which marginalization takes place will help achieve greater unity across communities. It is critical to address all areas of structural inequity, and an institutional approach is necessary across the board.

## **LANDSCAPE AND RESOURCES**

### **The Government Alliance on Race and Equity (GARE)**

is a joint project of the Center for Social Inclusion and the Haas Institute for a Fair and Inclusive Society at UC Berkeley. GARE is a national network of governmental jurisdictions working to advance racial equity and improve success for all groups.



# RESPONSIBLE BANKING AND ACCESS TO CREDIT

## **THE PROBLEM**

The state of lending in America is stagnant and low.<sup>1</sup> The number of home purchase loans in 2014 was half the number in 2006. Moreover, Black, Latino, and low- and moderate-income populations are obtaining a smaller share of loans. African Americans took out 8.7% of all home-purchase loans in 2006 but only 5.2% in 2014. Low- and moderate-income borrowers took out 34% of home-purchase loans in 2011 but just 27 percent in 2014.<sup>2</sup>

Racial disparities in access to credit have been particularly severe in cities. For example, in a recent report on lending in **Baltimore**, the National Community Reinvestment Coalition (NCRC) found that race was the most consistently significant predictor of mortgage lending patterns in the city. The percentage of white and black residents of a neighborhood were both significantly correlated—positively and negatively—with the number of loans approved in Baltimore between 2011 and 2013.<sup>3</sup>

## **THE SOLUTION**

In response to redlining and the denial of banking services to working-class communities and communities of color, advocates worked with and supported concerned lawmakers to pass the Community Reinvestment Act (CRA) in 1977. CRA requires banks to serve all communities, particularly low- and moderate-income neighborhoods, consistent with safety and soundness. The law is implemented through an examination process. CRA examiners scrutinize the level of loans, investments, and services to low- and moderate-income borrowers and communities and then rate banks approximately once every two or three years.<sup>4</sup> CRA has boosted lending to low- and moderate-income communities. Since 1996, banks have issued more than \$900 billion small business loans and almost \$800 billion in community development loans in low- and moderate-income communities.

While CRA has been tremendously beneficial overall, its reach into inner-city neighborhoods and rural communities has been constrained, especially in terms of reinvestment from large banks. CRA exams for large banks often consider performance in 10 to 20 states. The exams rate performance in lending, investing, and offering services on a statewide level and on a metropolitan-wide level. The exams do not rate performance in individual cities or neighborhoods in the cities. Rural communities also tend to receive little weight on exams.

In order to compensate for the gaps in CRA examination, cities have passed responsible banking ordinances (RBOs). **Cleveland** and **Philadelphia** were among the pioneers in passing RBOs. Depending on their size, cities deposit hundreds of millions or billions of dollars in banks. In return for offering the business opportunity of receiving municipal deposits, cities like **Cleveland** and **Philadelphia** require banks to demonstrate that they are serving low-income neighborhoods and those with high Black and Latino populations. Cities look at the publicly available data on bank lending and use their data analysis as one criteria for determining which banks will receive municipal deposits. **Cleveland** and **Philadelphia** also required banks to submit community reinvestment plans specifying future lending and investment goals in underserved neighborhoods.

The increased accountability for banks receiving municipal deposits improved their performance. A report commissioned by the City of **Philadelphia** found that banks receiving deposits (depositories) often provide more credit to a diverse set of borrowers than other lenders. For example, in 2013, depositories issued 21 percent of their home loans to African Americans compared to 15 percent for other lenders. Likewise, depositories made 56 percent of their loans to low- and moderate-income borrowers, compared to 52 percent for other lenders.<sup>5</sup>

The City of **Cleveland** reports that while more bank branches closed than opened across the United States, the number of bank branches in the City of **Cleveland** has remained stable. In particular, banks that receive municipal deposits have opened branches in low- and moderate-income neighborhoods in recent years.<sup>6</sup>

### **POLICY AND IMPLEMENTATION ISSUES**

Inspired by **Cleveland and Philadelphia, about a dozen cities, including Boston, Los Angeles, Pittsburgh and San Jose, have enacted RBOs**. NCRC developed a model RBO bill that helped advocates and elected officials in the cities design and pass bills. However, momentum has been temporarily stalled as a result of a successful court case challenge to an RBO by banks in New York City. In the summer of 2015, Judge Katherine Polk Failla of the Federal District Court in Manhattan ruled that New York City's RBO was preempted by federal law. The judge decreed that the federal government, not the city, regulates banks. New York City, therefore, cannot compel banks to submit data or have their performance in city neighborhoods scrutinized as a condition of receiving municipal deposits.

NCRC regards the developments in New York City as a challenge that nonetheless can be overcome so that RBOs can continue to serve as a positive accountability tool in cities across the country. In an effort to bring new momentum to RBO efforts, NCRC has created a new model bill, which takes a different approach than the New York City ordinance.

The new NCRC model bill establishes a community reinvestment committee similar to those in Cleveland and Philadelphia. The community reinvestment committee would commission studies using publicly available data on bank performance in neighborhoods. The committee would then invite public comment on bank performance and would hold hearings regarding the extent to which lending institutions are meeting credit and capital needs in neighborhoods. NCRC believes that this additional level of public accountability would increase responsible bank lending, investing, and services in traditionally underserved communities. NCRC also recommends that city treasurers and financial departments use publicly available data to further understand CRA performance of banks interested in receiving municipal deposits.

RBOs are local accountability mechanisms for increasing responsible lending, investing, and services in minority and working-class neighborhoods.

### **LANDSCAPE AND RESOURCES**

**The National Community Reinvestment Coalition** has both a model RBO bill and experience across the country providing technical assistance to local elected officials and

community organizations. **The Association for Neighborhood and Housing Development** offers background on New York's experience working on their RBO. The **Pittsburgh Community Reinvestment Group** has experience passing an RBO and also working with school board and other agencies as they consider which banks should receive deposits.

*Co-authored by National Community Reinvestment Coalition*



# ADDRESSING THE FORECLOSURE CRISIS

*“We’re just trying to stay in our home as long as we possibly can.”*

—Cathy Busby, CO

*“Not one political campaign, not one ad, addresses this issue.”*

—Mark Roarty, OH

## **THE PROBLEM**

Communities around the country have been devastated since the housing bubble burst: families cut back on spending when their life savings disappeared; the economy was thrust into recession; government tax revenue plummeted; crucial services were cut. No industry is more demonstrative of the nation’s economic challenges than the housing market. As the market picks up for some, many parts of the nation’s housing market remain in disrepair: more than 3.5 million homes have been lost to foreclosure and over 4.3 million homeowners are still “underwater,” meaning they owe more on their mortgage than their house is worth. Although the major settlement announced by the federal government in early 2012 benefited some homeowners, too many people still face huge delays and improper denials of mortgage modifications and there have been very few principal reductions.<sup>1</sup> Adding to the challenges, low housing cost set the stage for speculation in our communities and the displacement of long term working class residents of color. Some of this was aided by federal programs which shifted massive pools of distressed post-foreclosure crisis loans into the hands of Wall Street at a discount.

## **THE SOLUTION**

The federal government has the power to ameliorate the crisis and states can rewrite their foreclosure laws. But what can cities do? Increasingly, local communities and elected officials are thinking creatively about how

to protect homeowners, recover losses, and hold banks accountable for the crisis they created. Some emerging strategies are laid out below.

**STEP 1. DEMAND TRANSPARENCY AND RECOVER THE COSTS OF FORECLOSURES:** After banks take homes into foreclosure and evict the residents, the properties often sit vacant for months or years. Not only is this a waste of valuable housing, but empty property also becomes a neighborhood blight, dramatically reduces the value of neighborhood homes, reduces city tax revenue, and forces government to spend money on upkeep, code enforcement, and police services.<sup>2</sup>

To combat these costs, **Los Angeles** adopted a foreclosure registry program in 2010. It mandates that the owner of any foreclosed property: (1) immediately register the property with the city and pay a small fee; (2) conduct regular inspections of the property and ensure it is properly maintained; and (3) pay utilities on time and collect the rent if the property is occupied. If the property remains vacant for more than 30 days and is not being renovated or actively offered for rent or sale, the ordinance permits the city to impose a fee of up to \$1000 per day, not to exceed \$100,000. The first several years of implementation showed mixed results: although over 18,000 foreclosed properties had been listed in the Los Angeles registry, many of which were blighted, the City had not recovered even one dollar in fines through the summer of 2012.<sup>3</sup> Recently, the city amended the ordinance to include a requirement that foreclosing

properties be registered earlier (upon the Notice of Trustee sale being filed) and much more aggressive inspections. It also includes giving local youth summer jobs in a “blight brigade” that inspects bank properties.

**Riverside, CA** investing heavily in enforcement from the beginning and collected \$7 million in fines during 2009 and 2010.<sup>4</sup> Cities as small as **Murrieta, CA** and as big as **Atlanta, Las Vegas,** and **San Diego** have also adopted foreclosure registry ordinances. **Springfield, MA** has taken the most aggressive approach by mandating that lenders who foreclose on a property post a \$10,000 bond with the city to ensure compliance with the law. A federal judge recently rejected banks’ challenges to the law.<sup>5</sup>

**STEP 2. MOVE OUR MONEY:** Cities are major depositors with the very banks who have caused so much pain. Modeled after **Cleveland’s** 1991 law and the federal Community Reinvestment Act, at least seven cities—**Seattle, Pittsburgh, Portland, Kansas City, Los Angeles, New York,** and **San Diego**—have each recently passed a Responsible Banking Act to demand more transparency and accountability from banks.<sup>6</sup> The specifics of each law vary, but they generally require that any bank wishing to do business with the city disclose detailed data on its lending, foreclosure, and community redevelopment activities. In **Los Angeles**, banks that fail to comply are not eligible for city contracts; in **New York**, however, such failure is only one factor to be considered by the City in selecting banking partners. **Buffalo** has been bolder: in May, it moved all of its deposits out of Chase Bank and into First Niagara.<sup>7</sup> **Binghamton** and other upstate New York towns have also closed their accounts to protest Chase’s failure to renegotiate mortgages.

**STEP 3. INNOVATE:** In 2013, the city of **Richmond, CA** began to advance strategies to get troubled mortgages out of the hands of Wall Street banks and investors and into the hands of “good actors” committed to working with homeowners and modifying mortgages with principal reduction. The city voted to use its power of eminent domain to gain control of troubled, underwater mortgages that threatened the viability of certain hard-hit neighborhoods. Wall Street strongly opposed this measure and after a 1½ year battle succeeded in beating back this strategy—at least for now. Not to be deterred, the city of Richmond, CA has helped to lead a national campaign to get HUD, Fannie Mae and Freddie Mac to sell pools of delinquent mortgages to non-profits as opposed to Wall Street speculators. Local Progress members in **New York, San Francisco, Seattle, Baltimore, Philadelphia** and **Minneapolis** have all joined in this effort. The federal agencies have already made some policy changes, in response to pressure, and additional improvements appear to be imminent.

Another approach is for legislators to instruct city attorneys to **open investigations**, backed by subpoenas, into the LIBOR interest rate manipulation that likely deprived municipalities of billions of dollars. Interest rate swaps still in effect on municipal bonds should be renegotiated on better terms.

## **LANDSCAPE AND RESOURCES**

A host of organizations are pushing on these issues. Among them are the **National People’s Action, Right to the City, Alliance for a Just Society** and the **Center for Popular Democracy**.

# AFFORDABLE HOUSING IMPACT FEE PROGRAMS

## **THE PROBLEM**

Across the country, particularly since the Great Recession, housing has become less affordable. Today, millions of families must pay more than half of their income in rent—leaving less and less money for other necessities like food, clothing, utilities, and transportation. Low income communities and communities of color are particularly vulnerable to these rising costs. Yet federal housing assistance for these populations has declined in recent years as the government has reduced funding for programs like public housing, Housing Choice Vouchers, and Home Investment Partnerships.

This situation has prompted many counties, cities, and towns to step up and take action. Many places have turned to inclusionary housing policies, which require developers to set aside a certain percentage of a new development's units as affordable. These policies leverage local governments' role as regulators of land use to ensure that new residential development includes, or supports the development of, new affordable residential units.

While more than 500 jurisdictions<sup>1</sup> across the country have successfully implemented some kind of inclusionary housing policy, some places have found challenges in implementing or adopting them. For example, in some states, prohibitions on rent control laws preclude local governments from adopting strong on-site inclusionary housing requirements.<sup>2</sup>

## **THE SOLUTION**

Cities facing legal barriers to implementing inclusionary housing requirements have found an alternative way to support affordable housing: development impact fees, also known as linkage fees. Under these policies, a jurisdiction requires developers building new market rate developments to contribute to the affordable housing need by paying a fee. They can assess these fees on residential development, commercial development, or both. The city then uses the proceeds of that fee to build, restore, or repair housing that is priced to be affordable

for families that cannot pay market prices.

Impact fees that apply to new residential development are easy to confuse with in-lieu fees, which are a component of many inclusionary housing programs. The two are actually different, particularly from a legal standpoint. Under residential impact fee programs, developers have a baseline requirement, or default option, to pay a fee. Some programs offer developers an alternative option to paying the fee. In **San Francisco, CA** for instance, under their impact fee program, developers can choose to construct affordable housing if they prefer to build a mixed-income development rather than pay the assessed affordable housing impact fee<sup>3</sup>. Inclusionary housing programs, on the other hand, operate in the reverse: inclusionary housing programs typically require that residential developers build mixed-income housing as the default option. Many inclusionary housing programs also offer developers an optional alternative to pay a fee in-lieu of construction, hence the term “In-Lieu Fee”.

Another difference between impact fees and in-lieu fees is that impact fee programs may apply to either new commercial development, or new residential development, or both, whereas in-lieu fees, as an option under inclusionary housing ordinances, only apply to residential developments.

## **POLICY ISSUES**

In impact fee programs, communities charge developers a fee for each unit or square foot of new market-rate construction and use the funds to pay for affordable housing. *Commercial* impact fees are sometimes called jobs-housing linkage fees. They help ensure that when jobs are created by new commercial development, there is also housing developed for those workers within the community. *Residential* impact fees support a healthy mix of housing by requiring that a portion of the profits generated by new market-rate residential development, which is typically higher-end housing, be reinvested into housing for lower-income earners.



Cities have a variety of options on how to spend the revenues from impact fees. Often, jurisdictions direct their fee revenue to Housing Trust Funds or Local Housing Funds that are dedicated to building affordable housing. Municipalities can use proceeds from these funds for direct loans or grants for low-income housing; to underwrite bonds sold to support low-income housing; or for direct low-income rental assistance or homebuyer subsidies.

Fee programs have grown in popularity in California in response to a statewide court decision that questions the legality of inclusionary housing requirements for rental developments<sup>4</sup>. According to a recent study by the Association of Bay Area Governments, among the cities and towns in **San Francisco** and the four surrounding counties, 16 cities have residential linkage fees and 13 cities have commercial linkage fees<sup>5</sup>.

To enact an affordable housing linkage fee on commercial or residential development, cities generally conduct a “nexus” study, which evaluates the extent to which new development projects contribute to the local need for affordable housing and estimates the maximum level of fees that are legally allowable to offset the impact of these projects. For a variety of political, legal and practical, reasons, most cities choose to set their impact fees well below the maximum fee suggested by their nexus studies<sup>6</sup>.

Unfortunately, political opposition and legal caution can result in low fee levels that do not substantially increase municipal affordable housing resources<sup>7</sup>. Nevertheless, some cities have passed more substantial fee levels that were both legally defensible and sensitive to the context of their local housing market. **Santa Monica**, for instance, charges approximately \$28 per square foot. To keep its fee schedule current, the City also increases its fee automatically each year based on an index that accounts for the changes in the cost of construction and in land values in the city<sup>8</sup>.

Basing its fee schedule on the affordability gap method, **Berkeley** takes a different approach. The City charges \$34,000 for each new market rate home to fund affordable housing<sup>9</sup>.

Several cities across the county also impose linkage fees on commercial developments. For example, **Boston** has one of the oldest commercial linkage programs in the country. It charges about \$8.34 per square foot of new commercial development for the provision of affordable housing. Between 1986 and 2012, **Boston** has committed \$133,804,969 in linkage funds. These funds have helped create or preserve 10,176 affordable housing units in 193 development projects. To address concerns over concentrations of poverty, Boston requires at least half of its fee revenues to be invested in neighborhoods that have less than the citywide average of affordable housing or have a demonstrated need for producing or preserving affordable housing<sup>10</sup>.

**Arlington County, Virginia** assesses a commercial linkage fee of \$1.91 per square foot for the first 1.0 Floor Area Ratio (FAR). To give its program more flexibility, Arlington also allows commercial developers to build units if they prefer<sup>11</sup>.

## **LANDSCAPE AND RESOURCES**

More information about inclusionary housing and linkage fees is available from **Grounded Solutions Network**, **Center for Housing Policy**, the **Lincoln Institute of Land Policy**, **Partnership for Working Families**, and the **Public Interest Law Project**.

*Co-authored by the Grounded Solutions Network*



# BANNING SOURCE OF INCOME HOUSING DISCRIMINATION

## **THE PROBLEM**

A chronic shortage of decent, affordable housing exists in many cities. As a result, families across the country struggle to find affordable rental housing in safe, stable neighborhoods. Due to discrimination against them, finding affordable housing is particularly hard for people who pay part or all of their rent with income derived from sources other than employment—such as housing assistance, welfare, Social Security, child support, and alimony.

The extent of housing discrimination based on source of income is difficult to measure.<sup>1</sup> A study in **Chicago** found that “discrimination against Section 8 holders appears to be disturbingly common,”<sup>2</sup> and that nearly all study participants reported at least one encounter with a landlord “who refused to even consider accepting Section 8.”<sup>3</sup> A report into the advertising practices of real estate brokers in **New York City** revealed a “proliferation of New York City rental advertisements that indicate a limitation or discrimination based on source of income.”<sup>4</sup> In addition to the difficulty in quantifying incidents of housing discrimination based on source of income, discrimination often goes unreported.<sup>5</sup>

Source of income discrimination has a disproportionate effect on the most vulnerable members of society. Where a person lives defines their access to schools, employment and community. Living in less desirable neighborhoods means fewer opportunities and, without real housing alternatives, individuals and families cannot move on to lead better lives.

## **THE SOLUTION**

In 12 states and the **District of Columbia**, discrimination based on source of income is prohibited.<sup>6</sup> It is also prohibited in counties and cities in 12 other states, including **Ann Arbor, Philadelphia, and Seattle**.<sup>7</sup> It is important for municipalities to take leadership on this issue if their states have failed to enact prohibitions. In addition to protecting their residents, action by municipalities will encourage further reform.

Protection against discrimination based on source of income gives local policymakers the ability to eliminate other forms of discrimination and foster inclusive communities. In many cases, source of income discrimination is proxy for illegal discrimination based on race and disability. By removing this proxy, municipalities can be more effective in protecting everyone against all forms of discrimination.

Discrimination based on source of income also frustrates housing assistance programs. A study by the U.S. Department of Housing and Urban Development revealed that local bans on source of income discrimination increase the rate at which voucher holders are able to find suitable housing.<sup>8</sup> Adoption of local source of income protection has a measurable, positive impact on implementation of housing policies and on meeting the needs of voucher holders.

Municipalities take different approaches to defining “source of income,” the scope of prohibited practices, and the availability of defenses and enforcement.

**DEFINING SOURCE OF INCOME:** In **New York City**, source of income discrimination is forbidden by their human rights law and expressly includes “Section 8 vouchers.”<sup>9</sup> **Washington, D.C.** explicitly states that vouchers are an example of source of income.<sup>10</sup> In states and cities where Section 8 vouchers are not specified within the definition of “source of income,” claimants must rely on judicial interpretation to expand the scope of the definition.<sup>11</sup> Still, other jurisdictions do not define “source of income” and allow landlords to refuse to accept Section 8 vouchers from tenants.<sup>12</sup> Given the experience of some cities and municipalities, cities should define “source of income” to specifically include Section 8 vouchers.

**PROHIBITED PRACTICES:** Generally, local and state laws prohibit landlords from refusing to rent on the basis of source of income.<sup>13</sup> Other prohibited conduct may include discrimination in the terms, conditions, and privileges of housing transactions and discrimination

in the advertisement of rental properties.<sup>14</sup> In **New Jersey**, the prohibition against discrimination based on source of income goes beyond the housing context to include those seeking employment.<sup>15</sup> There are obvious advantages to proposed local laws that adopt a broad scope of prohibited practices.

**AVAILABILITY OF DEFENSES:** Under some local laws, certain owners are exempt from the prohibition against discrimination based on source of income. For example, in **New York City**, owners of buildings with fewer than six units are exempt. Elsewhere, landlords have successfully claimed “administrative burden” or “legitimate reasons” defenses. However, courts generally reject such claims and only permit narrow and directly relevant creditworthiness considerations.<sup>16</sup> As far as possible, the availability of defenses and exceptions should be limited.

**ENFORCEMENT:** Studies and investigations across the country demonstrate high levels of discrimination even in states or cities with legislative protection against housing discrimination based on source of income.<sup>17</sup> In many jurisdictions, the burden of enforcement falls on victims to bring complaints to the administrative agency, many of which are under-resourced. This inhibits an agency’s ability to launch affirmative investigations into discriminatory practices and forces them to respond solely to isolated incidents. In other cities and states, the statutes permit both administrative and court enforcement.<sup>18</sup> In jurisdictions with court enforcement, the approach also varies: some require an agency to enforce in court on behalf of a complainant and some permit a complainant to file suit directly.<sup>19</sup> In **Montgomery County, MD**, the Human Rights Commission successfully enforced a local fair housing law prohibition against discrimination based on source of income following independent testing and obtained favorable holdings rejecting the existence of an “administrative burden” defense for landlords. Accordingly, proposed enforcement regimes should be bolstered by pro-active measures like testing, investigations, and reporting by administrative agencies and non-profit organizations, and should provide complainants with the option to pursue civil action in courts.

### **LANDSCAPE AND RESOURCES**

The **Fair Housing Justice Center**, **The Leadership Conference**, **The Urban Institute** and the **Poverty & Race Research Action Council** all have valuable resources on this issue.

# ENDING DRUG-RELATED EVICTIONS IN PUBLIC HOUSING

*“[Drug-related evictions] target the poor for a punishment that rarely befalls more affluent persons with drug-involved family members and acquaintances”*

—Emma D. Sapong<sup>1</sup>

## **THE PROBLEM**

Municipalities spend precious resources throwing families out of public housing and onto the streets. Public housing authorities (PHAs) initiate drug-related evictions (DREs) against unrepresented tenants in forums where the standard of proof is so low that families are evicted even after the underlying criminal charge is dismissed. Despite criminal drug policy reforms, there has been little effort to dismantle the web of devastating civil consequences associated with drug addiction—such as DREs. DREs disproportionately punish and destabilize already vulnerable low-income communities of color and cost the government millions.<sup>2</sup>

While local PHAs exercise significant discretion in determining eviction and eligibility policies, Federal pressure to increase DREs began with the 1988 Anti-Drug Abuse Act.<sup>3</sup> DREs proliferated under President Clinton’s “one-strike” policy, which incentivized the adoption of harsh eviction and eligibility regulations.<sup>4</sup> The volume of DREs increased after the 2002 Supreme Court decision, *Department of Housing and Urban Development v. Rucker*, under which PHAs have the discretion to evict entire households, even when the leaseholder does not know about or participate in the illegal activity. In **Chicago**, 87 percent of DREs between 2005-2012 did not involve allegations against the leaseholder.<sup>5</sup> Many families are evicted because of the mistakes and misdeeds of children—one study suggests that more than 25 percent all DREs stem from juvenile arrests.<sup>6</sup>

Although the Department of Housing and Urban Development (HUD) now advocates<sup>1</sup> for “second chances,”<sup>7</sup> most jurisdictions enforce draconian eviction and eligibility policies.<sup>8 9</sup> Many jurisdictions apply strict liability DREs to Federal Section 8 voucher programs. Others have incorrectly interpreted Fed-

eral law as mandating a three-year ban on public housing eligibility once a family is evicted.<sup>10</sup> Still others, such as Massachusetts and Washington, DC, bar families from emergency shelter if they are evicted from public housing due to alleged criminal activity.<sup>11</sup> Together these policies deny the most vulnerable families the basic necessity of a home.

Some jurisdictions, like **New York City**, have adopted procedures for first time offenses that require the leaseholder to permanently exclude the “offending family member.”<sup>12</sup> These “stipulations” often force mothers and grandmothers to choose between barring their loved ones from the family home or being evicted themselves. Eviction proceedings have been initiated after “excluded” household members returned to care for an elderly grandmother, to mourn the death of a beloved sibling, and to visit an immobile parent.

Drug related evictions, meant to target “dangerous drug predators,”<sup>13</sup> have resulted in the eviction of tens of thousands of innocent families for offenses as minor as a teenager possessing marijuana.<sup>14</sup> While there is no evidence that these draconian policies have reduced crime in public housing,<sup>15</sup> they cost federal, state, and local governments millions of dollars. Annually, it costs approximately \$35,000 more to keep one person homeless than to provide subsidized housing for that same individual. Additionally, housing stability results in lower hospitalization and arrest rates.<sup>16</sup> Similar to mass

incarceration for low-level drug offenses, DREs are inhumane, ineffective, expensive, and discriminatory.

### **THE SOLUTION**

Because of the extensive discretion allowed to local PHAs, municipalities can stop the expensive and inhumane practice of evicting entire families for minor non-violent drug offenses.

Under current Federal law the only offenses that mandate eviction or limit eligibility for public housing are: 1) the manufacturing of methamphetamines on federal property and 2) crimes that result in the accused being put on the Sex Offender Registry for life.<sup>17</sup> Although Federal law mandates a three year ban in the case of a prior eviction from public housing for a drug-related offense, the ban may be overcome if the household member completes a drug rehabilitation program.

### **POLICY ISSUES**

PHAs should mandate the consideration of mitigating circumstances. PHAs may take into account all relevant circumstances prior to eviction. Advocates and city officials can work with local PHAs to develop policies that allow for individualized decisions. The Legal Action Center has created model legislation suggesting that PHAs take the following factors into consideration before eviction: 1) whether the offense bears a relationship to the safety and security of other residents; 2) whether an eviction is likely to result in homelessness; 3) whether the individual has undertaken efforts at rehabilitation; and 4) the effect on the entire household.

PHAs should reevaluate evidentiary standards. Most jurisdictions rely extensively on unproven allegations, sealed court records, and arrests not resulting in convictions to evict families from public housing. Additionally, PHAs need only prove allegations by a “preponderance of the evidence”—simply requiring that it is more probable than not the act occurred. Particularly in the absence of counsel, families facing eviction should be protected against capricious state action by carefully crafted rules with enforced evidentiary standards. Towards these ends, in **Chicago**, a court held that an arrest alone does not constitute “criminal activity” for the purposes of PHA exclusion or eviction.

Local officials should demand transparency about rules governing eviction and eligibility. The lack of transparency about standards for eviction and eligibility, along with the lack of data documenting enforcement, makes it impossible for those affected by DREs to advocate on their own behalf or for policy change. Local PHAs should make rules governing evictions and eligibility easily available. Furthermore, PHAs should report data pertaining to enforcement of DREs.

PHAs should offer time-limited stipulations rather than demanding permanent exclusion as the only alternative to eviction.

PHAs should take HUD’s advice and only evict as a last resort. The current use of strict liability standards and vicarious liability should be replaced with regulations that prioritize safety and support struggling families instead of banishing them.

The Housing Authority of **New Orleans** recently passed a new admissions policy pertaining to criminal records that includes revised look back periods and individual assessments for people with convictions of concern, rather than automatic denials.<sup>18,19</sup> Ideally such policies will be applied to third-party property management companies as well.

### **LANDSCAPE AND RESOURCES**

In **New Orleans**, **Stand with Dignity**, the **New Orleans Workers’ Center for Racial Justice**, and **Voice of the Ex-Offender** are working to enact less punitive public housing policy.

In **New York City**, the **Center for Popular Democracy** is working with public defender’s offices and grassroots tenant and housing organizations to change laws governing drug-related evictions.



# HOUSING CODE ENFORCEMENT

## **THE PROBLEM**

**HEALTH RISKS TO RESIDENTS AND CHILDREN:** Housing codes have long been used as a primary mechanism for preventing urban decay and the spread of preventable illnesses. In the mid-20th century, public health workers were intimately involved in code enforcement. However as medicine and sanitation methods have improved, the health community has reduced its involvement.

Inspectors today are more likely to have a construction background and tend to concentrate their efforts on structural violations, oftentimes ignoring blatant health concerns such as pests, radon, poor ventilation, moisture, and mold.<sup>1</sup> Indeed, children living in substandard housing are more likely to suffer from asthma, respiratory illness, lung cancer, and mental illness as well as an increased risk of accidental injury.<sup>2</sup> And local housing codes tend to borrow from model codes, which oftentimes fail to address important local problems like persistent pests or poor air quality.<sup>3</sup>

**EXERCISING STRICT ENFORCEMENT:** Enforcing housing codes can also cause problems for residents, particularly in low-income neighborhoods.<sup>4</sup> Code enforcement often backfires because officials require changes that are simply not economically feasible for owners and their tenants. When code enforcement officials force these changes and threaten legal or financial repercussions, families may have no choice but to abandon their home.

**REPORTING VIOLATIONS & THE THREAT OF RETALIATION:** Regardless of how comprehensive a city's housing code may be, the safety of residents may still be at risk.<sup>5</sup> Most housing codes rely primarily on reports and complaints from tenants. If tenants fear retaliation, they may not report violations. Similarly, undocumented immigrants may fear that contacting enforcement will end in deportation.

## **THE SOLUTION**

**ENFORCING HOUSING CODES:** Reasonable enforcement is the best tool for ensuring that residents are able to live in a safe and secure environment. Code enforcement policy should neither burden the tenant with repair costs nor encourage building condemnation as a solution. Instead, code enforcement should encourage a landlord or property owner to improve living conditions. If they are unwilling, the building should be sold at a discounted price to a capable owner or the city itself should repair and resell the property.

Property owners who find improvement costs prohibitive should consider making an initial investment, which can, over time, be reasonably recovered through higher rents.<sup>6</sup> Cities can also develop innovative financing for necessary but cost-prohibitive repairs, using tools such as Community Land Trusts or Housing Trust funds.

**MANDATED INSPECTIONS:** In order to remedy concerns over retaliation for reporting inadequate living conditions, cities can follow in the footsteps of **Los Angeles, CA** and **St. Louis, MO** which have mandated that inspections must occur on a regular basis even if there are no complaints about the property. Other cities such as **Rochester, NY** have mandated that there must be periodic inspections of "high-risk" housing. According to a city study, this initiative has reduced the dangers of lead poisoning in children by 90% since implementation.<sup>7</sup> Another city, **Greensboro, NC**, has adopted a Rental Unit Certificate of Occupancy Ordinance that requires all rental units to be inspected before landlords rent the property to new tenants.<sup>8</sup> It also mandates that a random sampling of units be inspected annually. This ordinance has resulted in a dramatic decrease in the number of substandard residences in the city. "By improving housing inspection, we can lower the amount of wide-spread health problems that plague low-income communities. Furthermore, ensuring a neighborhood is compliant with the housing code helps prevent a de-

crease in property value, which benefits all residents.”– Robin Powers Kinning, Selective Housing Code Enforcement and Low- Income Housing Policy (1992)

**TRAINING INSPECTORS TO IDENTIFY HEALTH CONCERNS:** Unfortunately, many housing inspectors are under-educated about how to identify these concerns. At the same time, inspectors primarily examine homes for problems that could, if unaddressed, get them in trouble. For example, if residents of an inspected building are injured from a collapsed ceiling or fire, the inspector could lose his job or face other repercussions. On the other hand, when a child suffers from asthma attacks based on poor ventilation, there is no negative impact on the inspector. It is critical that cities both provide better training to code enforcers and also consider a remedy for tenants who suffer from health issues attributable to housing violations.

**COMMUNITY-BASED ACTION:** State legislatures can also follow the lead of California, which enacted the Toxic Mold Protection Act of 2001, requiring that mold exposure standards be met before any real estate transaction can take place.<sup>9</sup> In Seattle, the Healthy Homes Initiative trains residents how to examine and identify triggers for child asthma, while involving community nurses, resources such as bed covers and cleaning supplies, and in-home outreach.

Other places have now modeled their own programs after **Seattle’s**. The Green and Healthy Homes Initiative in **Philadelphia** partners with community organizations to give residents the informational tools and the access they need to identify harmful environmental hazards. In **San Diego**, the City Healthy Homes Project provides direct services from city agencies to inspect and repair homes for residences with children and/or the elderly and who make less than 80% of the median wage. And the **Boston** Healthy Homes Initiative uses residents to train others about ways to protect their families from chronic health problems that could be avoided.

**COST:** While the cost of both retraining inspectors and creating new enforcement mechanisms may be of concern to local elected officials, benefits to the taxpayer may offset these costs.<sup>10</sup> Healthier buildings mean healthier communities. By improving housing inspection, we can lower the amount of wide-spread health problems that plague low-income residents. And while there may be short term costs involved with retraining inspectors to recognize certain health code violations, cities can direct the hiring of new officials towards individuals with a background in public health, thus reducing the amount of training needed.

*“Children living in substandard housing are more likely to suffer from asthma, respiratory illness, lung cancer, mental illness as well as an increased risk of accidental injury.”*

—James Krieger & Donna Higgins, *Housing and Health* (2002)

## **LANDSCAPE AND RESOURCES**

**PolicyLink** and **The Urban Institute** have both released reports dealing with housing code enforcement in low-income housing. The **US Department of Housing and Urban Development**, or HUD, also addresses housing codes in their Public Housing Occupancy Guidebook.

# INCLUSIONARY HOUSING

## THE PROBLEM

Across the country more and more people are burdened by the rising cost of housing. Millions are currently paying more than half of their earnings toward housing costs.<sup>1</sup> During the foreclosure crisis, low-income communities and communities of color saw their home values decline at significantly higher rates than the general population. Additionally, low-income renters have been disproportionately impacted by decreased funding for public housing and voucher programs.

Even though many cities are now experiencing significant levels of development, this new construction is insufficient to meet the needs of the hundreds of thousands of people fighting for affordable and stable housing. In fact, in many places, new residential development attracts middle and upper-income families to areas they would not have previously considered desirable rather than providing housing for lower-income families in need.

In the face of the affordability crisis and declining investments by the federal government in affordable housing,<sup>2</sup> local governments are using a variety of tools to creatively expand and preserve their supply of affordable and workforce housing. In particular, they are using their role as regulators of land use to ensure that new residential developments include, or support the development of, affordable residential units for low-income and working families.

These “inclusionary housing policies” are notable not only for their ability to create more affordable housing, but because they do so in neighborhoods with efficient transportation, good schools, and safe streets. Historically, public and subsidized housing projects have been built predominantly in low-income neighborhoods suffering from a lack of public and private investment. Inclusionary housing policies help reverse these trends by creating affordable housing in places that are desirable to residents of all income levels and in neighborhoods where market-rate housing is booming.

## THE SOLUTION

Local governments across the country are increasingly adopting inclusionary housing policies to expand the supply of affordable housing without requiring large investments of scarce public resources. In particular, local governments use their role as regulators of land use to help ensure that new residential development includes, or supports the development of, new affordable residential units.

## POLICY ISSUES

**REQUIRE OR ENCOURAGE LOW COST UNITS:** In the past several decades, many municipalities have embraced a low cost, market-based tactic to ensure that new residential development includes units that are affordable to those who need them. These inclusionary housing policies require or incentivize new market-rate housing developments to include lower-priced units. In other words, home builders and developers set aside a certain percentage of their units for low and moderate income residents.

Inclusionary housing programs may be voluntary or mandatory. However, purely voluntary incentive-based programs typically yield far fewer units than mandatory programs. For this reason, voluntary programs often transition to a mandatory framework. In **New York City**, inclusionary zoning has been voluntary, and largely based on developers receiving density bonuses for the inclusion of affordable units. **New York** has created fewer than two thousand affordable units since its passage in 1987, a tiny fraction of its total market rate production.<sup>3</sup> As a result of this paucity of concrete results, the city’s ordinance will transition to a mandatory one in 2015.<sup>4</sup>

**PROVIDING INCENTIVES:** Under a mandatory program, a city can support development by easing other restrictions that affect its developers’ profit and flexibility. Some of the most popular developer benefits or cost-offsets are revenue neutral for the locality. These include density bonuses, reduced parking requirements,

and other variances. A density bonus reduces the developer's per-unit development cost because it allows the developer to build more units in the designated space than would otherwise be permitted. Other cost-offsets include tax abatement, fee reductions, waivers, and fast-track processing, but these come at a financial cost to the locality.

**ALTERNATIVES TO CONSTRUCTION:** Most programs offer developers additional flexibility by offering alternative means of meeting the ordinance's requirements. For example, the city may offer options to pay a fee in lieu of building onsite units, build housing in a different location than the market-rate development, dedicate land, or preserve existing low-cost housing. Localities can shape their policy to shift the balance of developer contributions toward fee revenue or toward on-site affordable housing, for example, depending upon their policy goals. In **Chicago** paying fees is relatively simple, but in **Fairfax, VA**, and **Montgomery County, MD**, opting out of building affordable units requires proof of financial hardship. Because they have a high standard of proof, permission has never actually been granted.<sup>5</sup>

Unfortunately, many jurisdictions set their fee so low that they receive only fee revenue, not because it is the intention of the program, but because it is the easier option for the developer. In many cases, cities set fees low because of political pressure or because policy makers lack information on how to appropriately set fee levels. Experts can help determine the right fee level for local housing market conditions and policy goals.

**BARRIERS TO INCLUSIONARY HOUSING:** State law can also hamper local inclusionary housing efforts. Some states, including **California** and **Colorado**, limit the ability of localities to regulate residential rents, which has made inclusionary policies more complex. Three states, **Texas, Oregon**, and **Arizona**, passed sweeping bans against locally adopted inclusionary housing policies that make it impossible to implement a mandatory inclusionary housing policy at the local level. Voluntary programs are still possible, however, and **Austin**, Texas, has one of the most successful voluntary policies in the country.

Successful inclusionary zoning policies depend greatly on the trajectory of the real estate development market and inclusionary housing only works in places where market rate housing development is financially feasible. It is best to conduct a financial feasibility study to understand market conditions, developer constraints and potential incentives before crafting an inclusionary policy. The effectiveness of inclusionary zoning laws depends in large part on enforcement and longevity.

#### **THE BEST INCLUSIONARY HOUSING PROGRAMS:**

- Apply where new development is occurring or will occur;
- Are mandatory;
- Have long terms of affordability for inclusionary units;
- Plan for monitoring and stewardship;
- Are simple and predictable; and
- Objectively assess financial feasibility.

#### **LANDSCAPE AND RESOURCES**

For more information on inclusionary housing please check out **The Lincoln Institute of Land Policy, Inclusionary Housing: Creating and Maintaining Inclusive Communities**,<sup>6</sup> **Cornerstone Partnership, Center for Housing Policy** and **Furman Center for Real Estate and Urban Policy** at New York University.

*Co-authored by the Grounded Solutions Network*



# PERMANENTLY AFFORDABLE HOMEOWNERSHIP

## THE PROBLEM

Homeownership is one of the main ways that Americans build transformational, generational wealth. But in many places, the cost of a home is out of reach for low- and moderate-income individuals and families. Jurisdictions, in response, offer one-time development subsidies or down-payment assistance loans in order to help make homeownership more affordable and accessible.

In a traditional development subsidy model, the jurisdiction gives a one-time subsidy to a developer in order to help write down the cost of creating the homeownership opportunity. In a traditional down-payment assistance model, a grant or forgivable loan is made to buyers to help cover the gap between what they can afford and the market rate price of their home.

In either case, there is usually an affordability period of five to fifteen years during which, if the homeowner sells, he or she must return a portion of the grant or loan to the jurisdiction. If the homeowner remains in the home beyond the affordability period, he or she is able to capture the full market value of the home upon sale. This creates an above-market rate of return on the home—a windfall for the lucky few who are able to participate in the program.

This model of short-term affordability periods creates a hamster wheel of affordable housing development where jurisdictions spend staff time and money to create new opportunities just to compensate for existing opportunities that expire to the market. Jurisdictions are so focused on trying to keep pace that they can't make a dent in their community's needs.

As funding for affordable housing declines and the cost of subsidizing homes increases, these short term programs force jurisdictions to make difficult decisions. Without access to growing funds, will the program make fewer investments? Will it try to serve the same number of people, but through smaller subsidy awards, thereby serving only higher-income homebuyers?

## THE SOLUTION

Knowing that they need to use their resources more efficiently, many jurisdictions are now creating *permanently* affordable home-ownership opportunities.

Permanently affordable homes serve generation after generation of income eligible homebuyers. Rather than making a grant or a loan to an individual, jurisdictions use one-time subsidies to write down the cost of the home to a price that is affordable to the initial purchaser. In return for being able to purchase a below market rate home, the buyer agrees to resale restrictions that cap the sales price at a level that is affordable to the subsequent buyer while also providing a fair return to the seller.

The most common models of permanently affordable homeownership include deed-restricted housing, community land trusts, and limited-equity cooperatives. In all of these models, the affordability restrictions are secured through a deed-covenant, ground lease, or proprietary lease (in the case of a limited-equity cooperative) that sets forth income and/or price requirements for subsequent buyers. In successful programs, the homes are “stewarded” by either the jurisdiction or a nonprofit. The steward is responsible for ensuring that the home remains affordable and that the homeowner is successful. Tasks include preparing new buyers for homeownership, overseeing resales, certifying ongoing owner occupancy, and supporting homeowners as they refinance or take out home equity lines of credit.<sup>1</sup>

There are more than 10,000 units of permanently affordable homeownership across the country, and data shows that both the programs and the homeowners have been successful. The HomeKeeper National Data Hub<sup>2</sup> demonstrates that well-stewarded homes remain affordable across multiple resales and continue to serve lower-income households. It also shows that homeowners that buy through these programs are very rarely in default or foreclosure, build significant wealth compared to the other investment opportunities that would have been available to them as renters, and are more likely than their peers to still be homeowners after five years.



## ***POLICY ISSUES***

**SETTING PREFERENCES OR REQUIREMENTS FOR PERMANENT AFFORDABILITY:** Since permanently affordable homeownership programs make the most efficient use of public resources, they should not only be included as eligible uses under all city funding programs, they should be the preferred or required model. Cities like Boulder, Colorado require all homeownership units receiving local funding or created through inclusionary housing and annexation policies to be permanently affordable.

**ALLOCATING ADEQUATE RESOURCES TO STEWARDSHIP:** Stewardship activities are critical to program success and to protecting limited public resources. Jurisdictions need to allocate sufficient resources to cover these ongoing costs. Many jurisdictions, like **Chapel Hill, North Carolina, Burlington, Vermont** and **Chicago, Illinois** provide operating support or fee-for-service contracts to local non-profit stewards that efficiently manage large portfolios of permanently affordable homes.

**SUPPORTING THE CREATION OF NEW COMMUNITY LAND TRUSTS:** In cities like **Irvine, California, Portland, Oregon** and **Delray Beach, Florida**, municipal support was critical in helping to spark new community land trust organizations. Cities have provided new organizations with planning and staffing support, start-up financing and expert assistance.<sup>3</sup> Recently, the **City of Boston, Massachusetts** announced a technical assistance program to help form new community land trusts in neighborhoods across the city.

**ADOPTING EQUITABLE TAXATION POLICIES:** Because homeowners living in permanently affordable homes will never be able to monetarily realize the full market value of their homes, it is unfair (and unrealistic) to tax these households at the full assessed value of their home. States and some jurisdictions, like **Albuquerque, New Mexico**, adopt “equitable taxation” policies that reduce the tax burden on homeowners. These policies are especially important in places where property taxes alone could make a home unaffordable.

## ***ADDITIONAL RESOURCES***

**Grounded Solutions Network** supports strong communities from the ground up. We work nationally, connecting local experts with the networks, knowledge and support they need to build inclusive communities.

For more than a decade, we have compiled extensive tools, resources and research on permanently affordable housing. Access our resource libraries at [www.cltnetwork.org](http://www.cltnetwork.org) and [www.affordableownership.org](http://www.affordableownership.org).

*Co-authored by the Grounded Solutions Network*



# PROTECTING TENANTS IN THE ON-DEMAND ECONOMY

## THE PROBLEM

The recent growth of the on-demand economy poses a number of challenges for cities, including a loss of affordable housing. The proliferation of AirBnB properties reduces the availability of affordable housing by putting upward pressure on rent prices. Cities should evaluate carefully the claims of AirBnB and other companies about their impact on job and economic growth, with an eye to job quality and net growth. In addition, without adequate tracking mechanisms and taxation policies, cities may lose needed tax revenue. According to LAANE, commercial AirBnB activity costs Los Angeles renters more than \$464 million annually and accounts for 63 percent of new housing construction.<sup>1</sup>

Domestic workers, hired by AirBnB to keep costs down, are at risk of wage theft and lower wages. They earn a median wage of \$10 an hour, compared to hotel workers who earn an average wage of \$14.07 an hour<sup>2</sup>. AirBnB also poses a threat to hotels' profitability and associated jobs. A 2013 report found that 91 percent of the more than 52,000 domestic workers in the Bay Area had no overtime provisions and a quarter of them were paid below minimum wage<sup>3</sup>. Low wages, especially in expensive urban areas, make it difficult to afford the cost of living. As officials consider the right policies governing on-demand rental units, they should consider their impact on housing and rental markets, lost property tax revenue, insurance, liability, consumer protections, data reporting and user privacy, and the cost of enforcement.<sup>4</sup>

## THE SOLUTION

City officials should craft laws and regulations that promote tourism while protecting affordable housing stocks, particularly against commercial operations that buy up large numbers of properties and convert them from permanent housing into basically unregulated hotels.

Local regulations should ensure that AirBnB and similar companies are responsible for public health and safety. Hotels are subject to a significant number

of requirements and regulations. AirBnB staff allow their hosts to operate in a similar fashion without being subject to any of these regulatory measures. The **Los Angeles Municipal Code** requires hotels to keep registries of guests, a record that can be used to regulate questionable hotels, provide information for criminal investigations, and help track the spread of diseases.<sup>5</sup> AirBnB treats its hosts as independent contractors and cannot be held liable for the actions of these contractors, or their guests; therefore the hosts take on the greatest amount of risk. AirBnB frequently entices cities with the promise of jobs and remittances equivalent to a city's transient occupancy taxes (TOT), otherwise seen as adding new revenue for cities. In both cases, AirBnB is more often shifting an economy than it is contributing to growth. Many guests would stay in hotels, supporting good jobs and paying taxes, if AirBnB was not available.<sup>6</sup>

In **San Francisco**, the city's initial ordinance had few restrictions. Housing advocates encouraged the Board of Supervisors to consider options including a back tax payment of about \$25 million dating to when the city treasurer ruled that vacation rentals are liable for the city's 14 percent sales tax, a ban on units in rent-controlled buildings, and a prohibition against renting units that have been vacated under the Ellis Act. None of those passed initially, but a few city supervisors have said they would consider single-ordinance legislation to restrict some of the industry's activities.<sup>7</sup>

The **City of Portland** negotiated a regulatory framework that allowed it to collect hotel taxes in exchange for a new category of housing in the planning code, "Accessory Short Term Rental (ASTR)." One piece governs AirBnB units in single-family homes and the second governs those in multifamily housing. ASTR grants permits to be displayed, and hosts must pay a small fee, notify neighbors, and submit to an inspection to receive the permit. Homeowners may not rent a space in their home for more than 95 days per year.

Portland's Shared City Initiative helps AirBnB

renters collect taxes on behalf of the city. Portland has also run into enforcement issues: the Portland Revenue Bureau estimates that 93 percent of all hosts haven't met the necessary conditions to operate. Data collection is complicated because of user privacy issues. The city requires companies like AirBnB to submit contact information for all hosts, but the rules do not put any direct liability on AirBnB as long as it continues to pay money to the city.<sup>8</sup>

**New York City** has a more stringent approach: Under state law, residential rentals shorter than 30 days are considered illegal. The law has been enforced, slowing AirBnB's expansion; an investigation by New York Attorney General Eric Schneiderman found that more than 72 percent of AirBnB's New York City revenue was generated by illegal listings. The investigation also found that commercial hosts comprised a significant portion of the New York City AirBnB market. The city's continued efforts to bring transparency to AirBnB's business practices show that AirBnB could require hosts to comply with state law but it chooses not to do so.

Cities that are uncertain about the impact of AirBnB should consider convening a special task force to better understand home rental economic and social effects. The **Los Angeles City Council** has convened a working group to assess best practices for regulation in the residential sector.<sup>9</sup> Cities should also evaluate the current short-term rental regulations to see how effective and appropriate they would be for home rentals.

## ***RESOURCES AND MATERIALS***

Additional resources on the on-demand economy can be found at the **National League of Cities**, **LAANE**, and the **National Employment Law Project**.

# ENSURING LANGUAGE ACCESS

**“People’s lives are at risk when they can’t understand the medication that is supposed to save their lives. I wonder why pharmacies seem so hesitant to translate labels.”**

—Carlos M., on having to translate for his elderly mother because of the lack of language access at the pharmacy.<sup>1</sup>

## **THE PROBLEM**

Over 25 million people in the United States are limited English proficient (LEP), which means that they are unable to read, write, or speak English well.<sup>2</sup> Although federal civil-rights laws require that most public and many private institutions provide interpretation and translation services to LEP individuals, these institutions often do not. As a result, it is difficult and sometimes impossible for millions of people to get and hold jobs, feed their families, vote in an election, be on a jury, make doctors’ appointments, take medication, use the courts, receive an education, and get and keep a home. People with limited English proficiency are unable to participate in all of the features of American life because they do not speak English. Unfortunately, under the 2001 Supreme Court decision of *Alexander v. Sandoval*, private litigants no longer have a right to bring the kinds of disparate-impact discrimination suits that were previously the vehicle for enforcing language-access claims.<sup>3</sup>

## **THE SOLUTION**

“I truly believe that the Language Access Act of 2004 is a clear demonstration of the successful efforts of the mayor’s administration, District Council, and the LEP population working together to formulate and implement an innovative and groundbreaking plan. This plan...will ensure that all District of Columbia residents, including those who are limited English proficient, shall

be able to access the services and programs that are available to them.”<sup>4</sup>—Kenneth Saunders, former Director of the DC Office of Human Rights, on the DC Language Access Act

Local governments around the country have responded to language barriers and the weakening of federal enforcement by enacting stronger local

language access policies, requiring city agencies, health care entities, and other service providers to ensure that interpretation and translation services are made available free of charge to LEP residents.

Local governments around the country have responded to weakening federal enforcement policies meant to aid those with language barriers by enacting stronger local language-access policies. These policies require city agencies, health-care entities, and other service providers to ensure that interpretation and translation services are made available free of charge to LEP residents.

One important category of local language-access laws apply to city agencies themselves, ensuring that key public-serving local agencies are linguistically accessible. The cities of **San Francisco**,<sup>5</sup> **Oakland**,<sup>6</sup> and **Washington, D.C.**,<sup>7</sup> all have statutes requiring that city agencies provide comprehensive language-assistance services to LEP residents at no cost. **New York City** enacted a language-access ordinance covering human services in 2003 and a mayoral executive order covering other city agencies in 2008.<sup>8</sup> The **City of Chicago** has created an Office of New Americans, which is responsible for the creation of a centralized language-access policy.<sup>9</sup>

Following the release of studies documenting the gross lack of language access in chain pharmacies and subsequent investigation by the state attorney general, New York City passed legislation requiring chain phar-

macies to provide interpretation and translation services to LEP patients.<sup>10</sup>

Although language-access policies have traditionally been pursued in historically immigrant-receiving cities and states, the demographics of the country are shifting rapidly, making language-access an important issue in many more parts of the country. For example, the U.S. Southeast and Southwest now have the highest rate of LEP population growth. In some states (e.g., Connecticut, Rhode Island), nearly one out of every ten residents is LEP, the majority of which are concentrated in cities.<sup>11</sup>

## **POLICY ISSUES**

The following topics will likely come up when designing language access legislation for your city.

**CONTENT:** A basic language-access policy has the following components: (1) interpretation, i.e., conversion of language during oral communication); (2) translation, i.e., conversion of language in written communication; (3) notification to LEP individuals of their rights to free language services; (4) strong enforcement mechanisms; and (5) the creation of a language-access plan within the regulated entity. Both interpretation and translation services are required to ensure that LEP individuals are able to access the full range of city or health services, such as application materials, hotlines, counseling services, and consent forms. It is essential that these services be provided free of charge. Notification typically takes place through posted signs and multilingual taglines on printed materials.

**COVERAGE:** Language-access policies for government agencies frequently focus on those agencies that provide direct service to the public—i.e., human services, police, housing, or transportation. San Francisco’s ordinance further separates agencies into “Tier 1” and “Tier 2” agencies, with the former having enhanced notification, translation, and staffing requirements. Some policies, such as the ordinance in Washington, D.C., also impose language-access requirements on sub-contracted entities. With respect to pharmacies, New York City opted to cover only chain pharmacies (groups of four or more establishments). Additional options for coverage could include mail-order pharmacies and independent pharmacies.

**LANGUAGES:** Most language-access policies in both the government and health-care sectors tend to require that interpretation services be provided to LEP persons regardless of language spoken: if an agency or health-care provider does not have bilingual staff, telephone or in-person translation services are readily available.<sup>12</sup> Translation is more complicated, given the need to balance time and cost with access. Some city policies, such as the NYC executive order, provide for translation in the top LEP languages spoken in city, whereas others set a

population threshold above which translation should occur (e.g., Oakland sets a threshold of 10,000 or above).<sup>13</sup>

**ENFORCEMENT:** Enforcement strategies for violations of language-access laws include imposition of fines and authorizing lawsuits by individuals who have suffered harm because of government failure to provide adequate translation or interpretation services. Oversight is a critical factor in the successful implementation of language-access policies for municipal agencies.

## **LANDSCAPE AND RESOURCES**

**Migration Policy Institute** has robust data on LEP populations and trends, as well as research and reports relevant to language access. **The National Health Law Program** has comprehensive backgrounders and legal briefs on language access in a variety of health settings.

*Co-authored by the National Immigration Law Center*





# DETAINER DISCRETION:

## *Limiting Local Entanglement with Federal Immigration Authorities*

*“[T]he most severe consequence of the city’s cooperation with federal immigration officials is the lack of trust in law enforcement that it creates among the public. A spouse, for example, may be reluctant to report abuse if she fears that the consequence will be the deportation of the father of her children.”*

—Robert Morgenthau, former District Attorney, New York City<sup>1</sup>

### **THE PROBLEM**

Around the country, municipalities are unnecessarily spending precious resources to hold people in local jails because they have been issued immigration detainers. These detainers are requests from Immigration and Customs Enforcement (ICE) to local law enforcement agencies asking that individuals be held by local authorities for 48 hours beyond the time they would otherwise be released. In some cases, detainers will request that local authorities notify ICE of the place and time at which a person of interest to ICE will be released from local custody. Often people subject to detainers have committed no crime (no charges are brought or they are dismissed) or they have committed a very low-level or status-based crime (driving without a license). Nevertheless, the mere fact of an encounter with law enforcement can lead to deportation, because of automatic fingerprint sharing between local and federal criminal justice databases through the Priority Enforcement Program (PEP).<sup>2</sup>

The impact on communities is immense. Entanglement of local law enforcement with immigration authorities erodes trust between immigrant communities and the police, causing families to be less likely to report crime or cooperate in police investigations. Cities, strapped for revenue, spend millions of dollars holding immigrants for ICE without a legitimate public

safety justification. Because detainers are merely administrative forms, and are not obtained with any judicial oversight, localities that hold a person in custody for ICE on the strength of a detainer request also risk being found liable for violations of the Fourth Amendment of the US Constitution.<sup>3</sup>

### **THE SOLUTION**

Some municipalities have responded to the negative economic and human rights impact of immigration detainers by enacting innovative detainer discretion policies (also sometimes referred to as sanctuary city policies). These policies direct local law enforcement to refuse to follow detainer requests under certain circumstances. Such policies help to ensure that local criminal justice resources are conserved for their intended purpose, and that immigrant communities are protected from the mass deportation dragnet.

**POLICY ISSUES:** More than 300 cities and counties along with five states (Illinois, California, Connecticut, Vermont, and Oregon) have laws or policies limiting compliance with detainers to some extent.<sup>4</sup> Localities have used a wide range of approaches to detainer policy, too various to explain in detail here, but the strength of a policy depends largely on how it addresses a few key issues:

**SCOPE:** The gold standard for detainer policies is to draw a bright line between the criminal justice process and the civil immigration process and not honor any detainers. Several cities and counties, including **Cook County, IL**, and **Santa Clara County, CA**, have policies of this type. The mechanism for achieving a total ban on detainer compliance in many jurisdictions is to prohibit the expenditure of any state or local resources on the enforcement of immigration law. This prevents compliance with detainers and also prevents other kinds of local cooperation with deportation. Other policies

allow for detainer compliance in a small subset of cases, usually when the affected individual has a past conviction for one of a number of designated criminal offenses. The Connecticut TRUST Act, for example, allows law enforcement to comply with detainer requests for individuals who have felony convictions, appear in the federal terrorism or gang databases, or pose some other risk to public safety. Increasingly, states and localities are moving away from these types of carve-outs, in part because the fact of a prior conviction (or of suspicion of gang or terrorist activity) does not cure the constitutional defects with detainers described above. Jurisdictions that have policies with exclusions of this type still risk being held liable for violations of the Fourth Amendment.

Ideally a detainer discretion policy should apply to all government agencies and offices. Where a policy targets law enforcement exclusively, it is important to ensure that the policy covers both the police department (in some places there may be more than one local agency engaging in policing) and the corrections department—or whatever local entity has jurisdiction over the jails.

**4TH AMENDMENT REQUIREMENTS:** A number of federal and state court cases have found local jurisdictions financially liable for holding individuals in custody on the basis of ICE detainers. In response, a number of cities and counties, including **New York City** and **Philadelphia**, have enacted policies requiring ICE to obtain a judicial warrant before local law enforcement will comply with any detainer request. Essentially, the warrant requirement in a local detainer policy is just a restatement of the independent federal constitutional requirement that local law enforcement have probable cause to detain someone. Requiring a warrant to support a detainer request does not create any new detention authority for ICE. In the jurisdictions with policies like this, there have only been a handful of instances where ICE has been able to present a local law enforcement agency with a judicial warrant to support a detainer request. A warrant requirement is not the only way to ensure that local law enforcement is acting constitutionally with respect to detainers, but for jurisdictions that are not able or willing to enact a complete ban on detainer compliance, it is one of the simplest mechanisms.

**DATA:** NYC's detainer policy also includes extensive quarterly public reporting requirements. Some of the reporting categories that localities should consider requiring are: the number of individuals held pursuant to immigration detainers, the types and numbers of convictions those individuals have, and the amount of federal financial assistance received for the purposes of holding immigrants on detainers. Such reporting require-

ments can help fill significant information gaps regarding the impact and costs of ICE holds on local municipalities and immigrant communities. Reporting requirements are especially important in jurisdictions that do not have a set policy against compliance with detainers.

**BEYOND DETAINERS:** Detainers are only one way that ICE co-opts local law-enforcement resources for deportation. ICE also conducts interviews inside local jails in order to identify people with potential immigration issues, contracts with local jails for bed space, and enters into formal agreements with counties to deputize local police to serve as immigration officers. States and localities interested in limiting their complicity with the federal mass-deportation agenda should identify all mechanisms of collaboration and set their sights beyond detainer discretion: expanded policy language can further limit the full range of ICE activity within the criminal justice system. Language prohibiting the expenditure of any local resources on immigration enforcement, described above in relation to the policies in Cook County and Santa Clara, is one way to accomplish that.

### **LANDSCAPE AND RESOURCES**

The **Immigrant Legal Resource Center** has a wide range of resources relating to immigration detainers and immigration enforcement more generally. The **National Immigration Law Center** regularly publishes legal and policy materials related to immigration enforcement and detainer discretion. The **National Day Laborer Organizing Network** (NDLON) has been active in a number of local and state campaigns related to ICE holds and has a website with useful resources focused on community organizations. The **Center for Popular Democracy (CPD)** supports a number of local and state detainer discretion campaigns and can provide assistance with policy development, bill drafting, and campaign strategy. CPD released a toolkit in 2017 designed to support local policy makers and advocates in the creation of policy to limit cooperation between local governments and ICE. The toolkit includes a model detainer discretion policy.

*Co-authored by the National Immigration Law Center*



# LOCAL CONFIDENTIALITY POLICIES

*“If you say to people we’re not going to give you a zone of protection when you’re sick and seeking treatment in a hospital, in effect, we’re saying we’re going to put you at peril and you’ll be deported or expelled if you seek treatment.”*

—Former New York City Mayor **Rudolph Giuliani**, defending the city’s immigrant confidentiality policy<sup>3</sup>

## **THE PROBLEM**

Fear of disclosing immigration status deters many immigrant families from seeking health coverage or care, and public services, including police protection, benefits, and economic supports. These fears are understandably amplified during periods of increased anti-immigrant sentiment. Last year, an undocumented Houston mother of three was arrested in a doctor’s office exam room.<sup>1</sup> She was charged with a felony for tampering with documents, prompted by her fake Social Security card, but it’s unclear how the clinic staff discovered her license was a fake and got law enforcement involved with the case. The arrest violates the federal HIPAA law that protects patient privacy. In Illinois, immigration officials arrested an immigrant who was participating in the state program that issues licenses to qualified residents who enter the US illegally, despite state officials’ assurance that applicants don’t need to fear being targeted for deportation.<sup>2</sup>

A patchwork of federal laws governs when federal and state agencies may collect information about immigration status, and when or if they must share it.<sup>4</sup> Two such laws, specifically pertaining to state and local governments’ ability to restrict the sharing of im-

migration-related information, bear mention here. In 1996, the **Federal government** enacted the Welfare Reform Act and the Illegal Immigration Reform and Immigrant Responsibility Act, both of which contained provisions relating to state and local government communication with the then-Immigration and Naturalization Service (INS).<sup>5</sup> Both were enacted to “prevent any State or local law, ordinance, executive order, policy, constitutional provision, or decision of any Federal or State court that prohibits or in any way restricts any communication between State and local officials and the INS.”<sup>6</sup> However, consistent with federal law, cities like New York have adopted executive orders that protect the confidentiality of a broad range of private information—for example, sexual orientation, victim status, public benefits recipient, as well as information regarding immigrants.<sup>7</sup>

## **THE SOLUTION**

Numerous jurisdictions around the country, including **New York, NY; San Francisco, CA; Seattle, WA; Durham, NC; New Haven, CT; Takoma Park, MD;** and, most recently, **Suffolk County, Long Island, NY** among others, have adopted policies to protect the confidentiality of information, including information provided by immigrant residents.<sup>8</sup>

## **POLICY ISSUES**

In general, immigrant confidentiality policies do one or both of the following: (1) most importantly, they prohibit local government employees from inquiring, collecting or recording information about immigration status where such information is not necessary in order to determine an individual’s eligibility for a benefit or service, and/or (2) they prohibit or limit local government employees from sharing a broad range of information with other agencies, except where required by

law (for e.g. to confirm an individual’s eligibility for benefits). A variety of mechanisms have been used to implement such policies, including city ordinances, resolutions, executive orders, and administrative directives.

These policies are consistent with federal laws and guidance issued by federal agencies to protect against potential civil rights or privacy violations and to ensure that eligible individuals in mixed status households can obtain critical services.<sup>9</sup>

**GROUPS PROTECTED:** As discussed above, it is wise for municipalities considering immigrant confidentiality policies to cover a broad range of sensitive information within the policy, such as sexual orientation, receipt of public benefits, crime victim status, information contained on tax returns, and status as a victim of domestic violence. Doing so can help build a broader coalition in support of the confidentiality policy.

**ADDITIONAL ELEMENTS OF THE POLICY:** Municipalities can also consider including agency staff training requirements into their confidentiality policies, to ensure that city employees understand how to implement the policy, its interactions with other federal, state, and local laws, and the importance of the policy in promoting trust and inclusion of immigrant communities, among others. One innovative approach would focus on the city attorney’s office and requiring that city law departments, in proceedings where the city is a party, oppose the efforts of other parties to discover the immigration status of complainants or witnesses, unless the issue is central to the dispute.<sup>10</sup>

### **LANDSCAPE AND RESOURCES**

The **Center for Popular Democracy** has been supporting local campaigns on immigrant confidentiality, including an ongoing effort in **Aurora, CO** and the recently enacted policy in **Suffolk County, Long Island**, and can provide assistance on policy development, bill or policy drafting, and campaign strategy.

*Co-authored by the National Immigration Law Center*



# UNIVERSAL REPRESENTATION:

## *Filling the Due Process Gap for People in Immigration Court*

### **THE PROBLEM**

Universal representation is rooted in the principle that every person deserves due process of law, regardless of immigration status. It is impossible to achieve due process without an experienced lawyer in immigration court. Immigration law is notoriously complicated, ever-changing, and difficult to master even for seasoned practitioners. Only about 37 percent of people in immigration court have lawyers, and for those in detention, the number shrinks to about 15 percent.<sup>1</sup> Because immigration court is technically civil court, there is not yet a constitutionally recognized right to appointed counsel for people facing deportation.

### **THE SOLUTION**

In response to this glaring failure of due process, immigrant communities have begun to organize for the creation of a universal right to counsel, starting in the cities and states where they live. To date, about two dozen state and local governments have committed public dollars to provide free, high-quality legal representation to immigrants in deportation proceedings. While no state or city government has yet allocated sufficient funds to provide lawyers to every person in their local immigration court, most programs preserve the principle of universality. This means that nobody is ineligible just because their case is difficult, because they have a criminal conviction or prior order of deportation, or for any other reason related to their personal history or the merits of their case. Instead, universal representation programs limit eligibility according to income level (focusing on those least able to pay) and by prioritizing people in detention.

The need for counsel is particularly stark for those detained in Immigration Customs and Enforcement (ICE) custody, as it is nearly impossible to meaningfully fight deportation while locked up. ICE has the unfettered ability to transfer detained non-citizens to remote and isolated facilities. These facilities often have limited, if any, access to legal information or even the possibility of

hiring private counsel. As a result, most non-citizens in detention navigate all aspects of the complex U.S. immigration system on their own. Whether lawful permanent residents, unaccompanied children, asylum seekers, or victims of gender violence, they are almost guaranteed to lose their cases and face exile from the United States without legal representation.<sup>2</sup>

**CITY EXAMPLES:** The New York Immigrant Family Unity Project (NYIFUP), the first universal representation program in the country, launched in 2013 with \$500,000 from the **New York City** Council. Every year since then, NYIFUP has expanded with increased funds from both city and state legislatures. In 2017 NYIFUP was able to offer free, high-quality legal counsel to every detained person in New York State whose income falls within 200 percent of the poverty line.<sup>3</sup>

Data from the first three years of NYIFUP showed that attorneys in the program were increasing their clients' chances of success in immigration court by more than 1,000 percent—meaning that a NYIFUP client was 10 times more likely to obtain relief from deportation than a similarly situated person without a lawyer.<sup>4</sup> The success of NYIFUP has prompted campaigns to replicate the program all around the country. In 2017, **Los Angeles** established the L.A. Justice Fund, which provides \$10 million from a combination of city, county, and private sources to pay for lawyers for immigrants in detention.<sup>5</sup> In early 2018, the Governor of New Jersey included \$2.1 million in his proposed budget to fund deportation defense.<sup>6</sup> Momentum is building to create similar initiatives across the country, and new programs have recently launched in places as diverse as **Baltimore, MD; San Antonio, TX; Dane County, WI; Hennepin County, MN; Columbus, OH; and Denver, CO.**

Many of the above jurisdictions participate in the Safe Cities Network, run by the Vera Institute of Justice.<sup>7</sup> Safe Cities is a program through which Vera provides matching funds to local governments willing to commit public dollars to launch their own universal representation programs. Not all of these programs follow the



universal representation model; some have limited carve-outs for certain groups of people, and some focus on populations other than those in detention.

An advantage for a universal representation campaign is that although the impact of providing someone with a lawyer is huge, the argument for it is relatively conservative. Everyone is entitled to a fair day in court, one in which they have a chance to prove that they are legally entitled to stay here. It might seem radical to say that taxpayers should subsidize the public defense of immigrants, but we all have a vested interest in preventing people from being deported when they have a right to remain.

These programs also save money. Deportation is expensive, not only for the federal government, but also for local and state governments. The Center for Popular Democracy released a white paper showing the economic benefits of NYIFUP to New York State, which estimated that the program would save the state approximately \$9 million.<sup>8</sup> Providing counsel also increases efficiency within immigration court, which is why programs like NYIFUP have the avid support of immigration judges around the country.<sup>9</sup>

The strongest legal representation programs in the country are the direct result of campaigns led by the community members most impacted by mass deportation. In the case of New York City, it is only through the ongoing leadership of community members—and NYIFUP clients willing to share their stories with the media and with policymakers—that the funding for NYIFUP has been sustained over the last four years. One of the ways that the NYIFUP campaign has been able to keep increasing funding for the program every year is by working continuously with local and national media outlets to generate positive coverage for NYIFUP.

The costs of providing lawyers to immigrants in removal proceedings will vary, depending on several factors including the type and complexity of cases, whether travel is necessary for clients in remote detention, and the need for translation services. While cost per case can vary significantly depending on these factors, based on reports from current programs around the country, a good cost-estimate is approximately \$5000 per case.

## **POLICY ISSUES**

Every jurisdiction is different, and program design must be flexible according to the needs of the community and the political realities on the ground. Here are some widely-applicable best practices when running a campaign for a universal representation program:

- There should be no screening of cases on the merits. Nobody should be excluded from eligibility on the basis of a prior criminal conviction, prior deportation order, or for any other

reason related to the facts or strength of their immigration case.

- If the program must be limited in scope, it should prioritize low-income individuals and those in detention. A merits-blind intake system should decide the cases the program will take on a random basis if there is insufficient funding to represent every eligible person.
- The program should focus on a particular immigration court or courts. Some campaigns for universal representation programs attempt to base program eligibility on residency. However, residency is not always easy to determine or prove, and programs limited by a residency requirement are hard to administer. Instead, most cities choose to focus their program on the immigration court in which their residents are most likely to end up if placed into deportation proceedings.
- The program should provide continuous representation: clients should have representation from the time that their lawyer takes their case and all the way through their immigration court proceedings. In programs focused on detention, this means that clients continue to receive representation even after they receive bond.
- The lawyers who staff the program should have significant removal defense experience. In some cities, the universal representation programs reside within public defenders' offices. Most often, existing staff capacity at local immigration non-profits will not be sufficient to staff new publicly funded programs, but it is important that new attorneys hired in order to fulfill the contract requirements are placed in institutions with strong training and supervision.
- The funding for the program should come from public sources. Proponents of universal representation argue that local governments are stepping in where the federal government has failed to protect the basic due-process rights of those in immigration proceedings. Therefore, it is a public duty to provide these funds. The more cities invest in these programs, the more likely they are to be sustained over the long-term.

## **LANDSCAPE AND RESOURCES**

The **National Immigrant Law Center**, **Center for Popular Democracy** and the **Vera Institute for Justice** all have extensive resources available online.

# CAMPAIGN FINANCE REFORM

## **THE PROBLEM**

A system dominated by big money and special interests produces an unrepresentative selection of wealthy, well-connected people running for office and leads to government politics that fail to reflect the needs of everyday people. This limits who can run, who can win, and who ultimately governs. Through large campaign donations, political action committees, Super PACs, and rising outside spending in the wake of the *Citizens United* decision, corporations and special-interest lobbies heavily influence local races. Local candidates generally raise significantly less than those running for state or federal office, so just a few large checks in a local election can have a bigger impact than they might in a state or federal election. Moreover, the role of big money in our elections is a barrier that disproportionately prevents talented leaders of color and women from running, being elected, and representing the communities in which they live.

As a result, it is increasingly important for localities to pass their own laws to break down these barriers that prevent less connected and monied leaders from running for office and that address wealthy donors having a disproportionate impact on local elections.

## **THE SOLUTION**

Ensuring that political leaders represent the interests of not just the wealthy and powerful but all Americans requires reducing the power of big money and empowering small donors. Well-designed reforms can achieve that goal by creating a broader, more diverse, small-dollar donor base, enabling diverse candidates to run and win competitive campaigns, amplifying the voices of people of color and low- and moderate-income communities, increasing transparency and disclosure of who is contributing, and diminishing the role of large, concentrated campaign contributions.

There are three primary policies that local governments can develop to reduce the influence of money in political campaigns and break down the barriers to

running for office: public financing of local elections, contribution limits, and disclosure requirements.

**PUBLIC FINANCING:** Some localities have enacted public financing systems to amplify and diversify the voices of all residents and make it possible for many more people of color and women to run and win elected office. When candidates opt in to these programs, they agree to limit the size of the donations they will accept (usually less than \$200), and in exchange, receive public funds for their campaign based on the amount of small donors they are able to attract. Some programs match small contributions from local residents with public funds, so a \$20 contribution can be worth \$140 or more to a grassroots candidate. Others provide residents with vouchers that they can use to contribute directly to local candidates. These programs facilitate broader engagement in the political process, particularly within marginalized communities. Small-donor elections break down the barriers competing wealth and influence create so that more candidates can run, win, and better reflect the racial, gender, and economic diversity of the country. Public financing systems can change the way that candidates run for office, putting the broader voter base—not just wealthy donors—at the center of campaigns.

**CONTRIBUTION LIMITS:** Many localities have also established contribution limitations, which can vary significantly depending on the office that a candidate is seeking and whether the donor is an individual or a political committee. Most jurisdictions limit the amount of money individuals and corporations can give as direct campaign contributions to candidates, and many jurisdictions ban direct contributions from corporations entirely. Some municipalities also have specific bans or limits on direct contributions from corporations and individuals who are either doing business with the city or are registered lobbyists. Contribution limits can promote faith in democracy, give candidates without access to large-donor networks a better chance of run-

ning competitive campaigns, and ensure that ultra-wealthy donors and industries cannot entirely bankroll their favored candidates' campaigns.

**DISCLOSURE:** Though timely and comprehensive disclosure of campaign contributions does not directly reduce the role of money in politics, it is nevertheless imperative because it helps voters make informed decisions and empowers them to hold politicians and other influential actors accountable. Disclosure ordinances typically require that individuals and groups working to influence local elections disclose their electoral spending once it reaches a certain threshold—either continuously or at certain specified times throughout the election cycle. Although *Citizens United* and other U.S. Supreme Court jurisprudence has prevented legislators from setting limits on so-called independent spending in elections, governments still have the power to mandate spending transparency. These ordinances can vary greatly in their level of specificity, frequency of reporting, and whether or not they embrace electronic reporting. Disclosure filings should require regular and comprehensive reporting and be made available online in user-friendly formats.

### **EXAMPLES OF POLICIES IN ACTION**

**Seattle, WA**, passed an innovative democracy voucher system on their 2015 ballot. Each resident who is eligible to vote will receive four \$25 coupons they can contribute to their preferred local candidates. In return for accepting democracy vouchers, candidates agree to comply with guidelines on spending, contribution limits, and reporting. The program went into effect for the 2017 election cycle and led to more than 18,000 Seattle residents giving nearly 70,000 democracy vouchers to 2017 candidates. In contrast to the cash-donor base for Seattle's mayoral candidates, democracy-voucher donors for city-council and city-attorney candidates better reflected Seattle's population—especially with respect to its young people, women, people of color, and less affluent residents. Candidates in races eligible for democracy vouchers relied less on big money. Instead, 87 percent of the support for their campaigns came from small donations of \$250 or less and democracy vouchers.<sup>1</sup>

**New York City**, a pioneer on this issue, has taken an active approach to regulating local election campaigns since the Campaign Finance Act of 1988. The updated Act allows qualified candidates for mayor, comptroller, public advocate, borough president, and city council member to agree to strict spending limits in return for a six-to-one public match on small contributions from city residents.<sup>2</sup> Studies have shown that the legislation has been effective at encouraging contributions from communities of color and middle- and low-income residents. Furthermore, the Act has enabled a broader group of candidates

to run for office, diversifying the makeup of the city council.<sup>3</sup> Candidates who opt out of the voluntary public-funding program must still comply with disclosure requirements. In response to a flurry of outside spending during the 2013 election, New York also updated its disclosure laws, banning anonymous campaign communications and requiring disclosure of the top donors to those committees making independent political expenditures.<sup>4</sup>

In March 2018, the **D.C. City Council** unanimously passed and Mayor Bowser signed the Fair Election Act, which provides a five to one match of small-dollar contributions from D.C. residents. To participate, candidates collect a required number of small contributions from D.C. residents, accept lower contribution limits, and cannot accept contributions from corporations or traditional political action committees. This program is available to candidates running for D.C. State Board of Education, Council, Attorney General, and Mayor.<sup>5</sup>

In 2014, the **Montgomery County Council, MD**, unanimously adopted the Public Election Fund, a small-dollar matching fund for County Council and County Executive candidates. The program provides matching funds for candidates who agree to only receive individual donations between \$5 and \$150 dollars and not accept any contributions from corporations, PACS, or political parties.<sup>6</sup> The program is being used for the first time in upcoming 2018 elections; nearly three-quarters of candidates for county council and county executive have applied to participate in the public financing system.<sup>7</sup>

**Philadelphia's** campaign finance law sets limits on political contributions to candidates, requires candidates and political committees to electronically disclose campaign finance information, and creates a board with authority to enforce and provide guidance to candidates and donors.<sup>8</sup> Many large cities, including **Los Angeles, Berkeley, and Seattle**, also have disclosure laws that include similar provisions.

### **LANDSCAPE AND RESOURCES**

The **Center for Popular Democracy** works with national partners, base-building organizations and state and local allies around the country to expand the voice of voters and communities in our democracy including advancing proactive voting rights and public financing reforms. **The Campaign Disclosure Project** helps governments to pass legislation to increase transparency in elections. **The Brennan Center for Justice** has written extensively on campaign finance and has produced a 2010 guide to drafting state and local campaign finance laws. **Demos** is a public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy. **Every Voice** is a national nonpartisan organization fighting for a democracy that works for everyone.

# CONFRONTING PREEMPTION

## **THE PROBLEM**

Corporate and special interests are systematically working at the state level to stifle the power of local governments, which provide essential hubs of policy innovation and progressive political power. The Koch Brothers-backed American Legislative Exchange Council (ALEC), the architect of this strategy, has in a vast number of states, moved state legislators and courts to gut the ability of local governments to take action on a range of critical issues. States across the country now restrict local policymaking on issues including the minimum wage (28 states), construction labor agreements (23 states), paid leave (20 states), inclusionary housing (11 states), rent control (27 states), tobacco products (31 states), fair work scheduling (10 states), immigrants' rights (8 states), nutrition and food policy (9 states), gun control (43 states), nondiscrimination measures (3 states), local and fair chance hiring (6 states), and ridesharing (41 states). This strategy has been particularly effective because while the vast majority of states give local governments broad powers under so-called home rule principles, most states also permit the state to preempt or otherwise limit those powers through legislation.

Although proponents of preemption laws often complain about local measures creating a “patchwork of regulations,”<sup>1</sup> many of the states that adopt these laws have minimal or no state regulation on those same issues. In other words, proponents actually don't want *any* regulation that would benefit workers, consumers, and tenants. Transportation network companies like Uber and Lyft have, through lavish spending and aggressive tactics, been particularly successful in deregulating their industry in this way.<sup>2</sup> Laws adopted in 41 states prevent local governments from regulating these companies across a broad range of issues, including licensing, background checks, vehicle safety, data reporting, and driver employment status, while setting negligible standards at the state level.

## **THE SOLUTION**

There are two potential avenues for stopping individual state measures that interfere with local authority. The first is launching broad campaigns involving both local officials and advocacy groups to educate state legislators about the downsides of preemption, inoculate against preemption of new local proposals, and fight new preemption bills as they arise. The second possible path is pursuing direct legal challenges to these preemption laws. Such laws may run afoul of state home-rule principles, or federal laws and the U.S. Constitution, especially if they are punitive or discriminatory.

However, legislative victories may be temporary and legal victories may be narrow, such that neither prevent recurrence of state interference, even on the same issue. A more fundamental shift in the political (and possibly legal) landscape will be needed to protect the ability of cities to move progressive policy over the long term. Orchestrating such a shift will require careful work, because reform efforts that focus on “local control” alone ignore the fact that not all localities will use that control for progressive ends. Efforts to protect local authority should be clearly grounded in progressive values, and messaging should be framed in a way that reflects those values.

## **ROLE FOR LOCAL OFFICIALS**

Local officials have a vital role to play in the movement to protect local authority. They can:

- push local government attorneys to be accurate and complete in their understanding and presentation of the law related to local authority, and to be willing to aggressively defend the city against state interference;
- work with advocates and colleagues in other parts of the state to form coalitions that can pressure state officials to protect the power of cities to adopt progressive policy; and
- find ways to smartly navigate preemption as they craft local policy by, for example, focusing on areas protected from state interference under state home-rule principles.



## MODELS FOR SUCCESS

Quite a few coalitions of local officials and advocates have successfully defeated preemption bills. In Minnesota, local officials and advocates persuaded Governor Dayton to veto a bill that would have voided minimum wage and paid-sick-leave laws in **Minneapolis** and **St. Paul** just before they were about to take effect. In Louisiana, similar coalitions have now successfully turned back state legislation targeting **New Orleans'** local-hire and inclusionary-housing laws. In Florida, a similar coalition defeated a state bill that would have only permitted localities to regulate in ways that the legislature had expressly authorized.

We have also seen cities and advocates fighting back against state interference through litigation. In Pennsylvania, **Pittsburgh** is aggressively defending its paid-sick-leave law against a legal challenge by a business association under the state home-rule statute; the case will soon be heard in the state Supreme Court. In Ohio, **Cleveland** won an important ruling in a case challenging a state law that preempts the city's longstanding local-hire law: the court found that the state law ran afoul of the state constitution's grant of authority to localities. In Alabama, a number of individuals and groups are challenging a state law that preempts local minimum-wage ordinances, adopted shortly after **Birmingham's** city council voted to create a city minimum wage of \$10.10, the first of its kind in the state. Their lawsuit alleges that the state law violates federal equal protection principles by discriminating against black workers, who would have disproportionately benefitted from Birmingham's minimum wage rule, and the Voting Rights Act, by stripping the political power of voters in an overwhelmingly black city.

The Birmingham case is one of a number of instances in which predominantly white legislatures acted to strip cities predominately populated by people of color of the power to protect the basic needs and livelihood of their residents, a trend that should provoke further legal and political challenges.<sup>3</sup>

## LANDSCAPE AND RESOURCES

The **Partnership for Working Families** and **Preemption Watch** have interactive maps of preemptive state statutes across a wide range of issues. The **Local Solutions Support Center** provides a range of tools and support for local officials looking to understand and address preemption, including bringing together legal academics and advocates to provide legal strategies, resources and technical assistance, public opinion and messaging research, and support to the field. The **Campaign to Defend Local Solutions**, based in Florida, is one of the nation's leading organizations devoted to supporting cities and local elected officials facing preemption, by providing communications, media, and litigation support, research, and resources.

**Preemption Watch** helps advocates better understand and counter preemption by providing tools, research, and case studies along with a biweekly newsletter with coverage of federal and state preemption threats. The **Partnership for Working Families** provides legal, communications, and organizing support to campaigns to stop state interference.

*Co-authored by the Partnership for Working Families*





# DIGITAL DEMOCRACY AND TRANSPARENCY

*“Sunlight is said to be the best of disinfectants...”*

—Justice Louis Brandeis, “What Publicity Can Do,” Harper’s Weekly [1913]

## **THE PROBLEM**

Modern government grows out of a nineteenth century bureaucratic model that is intentionally slow to innovate. Current transparency requirements general focus on physical publication and inspection, which are designed to favor and protect incumbent power. Exponential advancement, innovation and a remix culture of the private sector in the 21st century has often left government two centuries behind. Residents and advocates understandably want rapid access to government information online; they argue that transparency and public data can help improve the effectiveness of government agencies and elected officials. However, local governments often do not have rigorous data collection, either because this value is not recognized or because of budget constraints. Even localities that have the data lack the resources to make it useful.

## **THE SOLUTION**

Democracy requires “government of the people, by the people and for the people.” Yet today, we have largely lost what we believe should be the preferred relationship between citizens and the government. Digital democracy can reverse this trend by shedding sunlight on government and enabling citizen engagement in public decision-making. The solution includes targeted legal reforms, citizen-centered technologies and modernized models of public administration. This agenda is designed to build a more efficient, effective, accessible and responsive government. Most importantly, the tools of digital democracy are essential for an informed citizenry that consents to be governed in the modern era.

## **POLICY ISSUES**

**OPEN 311:** Cities like **Baltimore, Chicago, and Washington, D.C.**, have diverted non-emergency service requests from 911 by adopting Open 311 to provide a single point of contact for residents to dial 311, visit a website, or use a third party app like SeeClickFix. Open 311 is a customer relationship management (CRM) that supports online submission and tracking of requests through resolution and allows searches for terms like “trash” and “rat.”

**OPEN DATA:** Putting a live feed of government data online in computer readable format from 311, transit, traffic, and other sources empowers government and residents to hold agencies accountable by using facts and figures to make better arguments and decisions. Making this data open and computer readable will allow third-party developers to create new tools to address both old problems and new challenges. From the Federal Government to big cities like **New York and Chicago** and small ones like **South Bend, IN**, open data is making government more accessible by and putting data collected online for the public. Open Data Portals can easily be implemented using the CKAN free and open source software used for Data.gov.<sup>1</sup>

**OPEN FOIL:** The public has a right to know about and access the documents, communications, and other information leading to public policy decisions. Public information should be provided in a timely manner to any member of the public upon request. Freedom of information requests and their response times should

be tracked publicly in a centralized location, and once the information is provided, it should be available online so it does not need to be requested again. Implemented in **Oakland** and **New York City**, a free and open source program called RecordTrac provides access to a searchable database of city records and communication, with a centralized online record request continually updated with the status of requests.<sup>2</sup>

**OPEN MEETINGS:** Few residents can engage government during business hours; opening meetings through video and livestream will make it easier for residents to participate from the convenience of their desk or couch. Through Executive Order, law, or cable franchise agreement public meetings conducted by government can be recorded for television and streaming and archived online.

**New York City** and State have done all three and though hearings are often sparsely attended, they are engaged through tweets, comments and editorials from those watching at their desks or on television from the comfort of their home.

**OPEN NOTICES:** Governments publish notifications in newspapers to meet a standard of transparency from the 19th century. Few if any residents read through the public notices section of a newspaper to learn about meetings where important decisions will be made. To improve democracy and enable participation, notices of government meetings and upcoming decisions should be online in human- and computer-readable format so that apps can help make the information useful. **New York City** now publishes its public notices online in both formats.

**OPEN LAW:** Law is a constantly changing code, and cities should treat it as such when designing publication platforms. The free and open source software model can inform the principles by which the law is created and disseminated. Laws should not only be available to lawyers who pay costly subscription fees but should instead be published for free, online, for anybody to access. **Miami, San Francisco, Baltimore** and **Chicago** make their laws available for download and easy access online through the State Decoded free and open source platform.<sup>3</sup> **New York City** has a law requiring the law be open and online.

**OPEN LEGISLATION:** Legislation and rule-making should be treated as a work in progress, which can be drafted, commented on and followed by any interested resident. In **Philadelphia, Chicago,** and **New York City** the Councilmatic free and open source platform, has information on all official legislative actions, council members, public events, and how city government works, with advanced search and tracking features.<sup>4</sup> **Washington D.C.** has adopted the Madison free and open source platform that allows the public to read and comment on proposed legislation.<sup>5</sup>

**OPEN ACCOUNTABILITY:** Restoring the public trust means bringing transparency and accountability to shine a light on areas that have historically been sources of conflicts and corruption such as campaign finance, lobbying, and outside income. In **Washington, D.C.** and **New York** campaign finance contributions are searchable and downloadable online. In **New York** and **Chicago** lobbyists must report quarterly on fees received, clients, topics, and targets for lobbying, giving rise to apps like ChicagoLobbyists.org. In **New York** government employees with decision-making authority file annual disclosures of outside income in bands with those of public officials posted online.

## **LANDSCAPE AND RESOURCES**

For more information on innovative local government approaches to open data, please check out the **Sunlight Foundation, OpenGov Foundation, Participatory Politics Foundation, GovLab,** and **GovTech.com.**

*Co-authored by the OpenGov Foundation*



# EXPANDING VOTING RIGHTS

## **THE PROBLEM**

America's arcane voter registration system, along with other barriers to voting, hinders democratic participation and voter turnout. Voter turnout in the United States remains low compared to other democracies. In the 2016 presidential election, only 60.2 percent—139 million—of eligible Americans voted.<sup>1</sup>

Registration and voting rates are disproportionately lower among low-income, communities of color, young voters and naturalized citizens. Our current registration system has left up to 43 percent of eligible Latinxs voters and up to 44 percent of eligible Asian Americans unregistered to vote. Just over 30 percent of eligible black people are unregistered to vote, which closely mirrors low overall rates of registration across the country.

Young people are also less likely to be registered and less likely to turn out to vote. In the 2016 general election, only 55 percent of citizens aged 18 to 24 were registered to vote and 43 percent voted. By contrast, 70 percent of the total eligible population was registered to vote and 61 percent voted.<sup>2</sup>

The economic dimension of this problem is also significant: in 2014, only 36 percent of those whose family income was less than \$50,000 turned out, compared to 64 percent of those from households earning more than \$50,000.<sup>3</sup> This voting gap is aggravated by the influence of corporate lobbying and spending on elections with profound consequences for public policy. A recent study of congressional votes “reported that legislators were three times more responsive to high-income constituents than middle-income constituents and were the least responsive to the needs of low-income constituents.”<sup>4</sup>

Moreover, more than a decade of attacks on voting rights and democratic participation by state legislatures and the Supreme Court have added additional barriers to voting in many states including voter ID requirements, restrictions on non-profit voter registration drives, and reduction of early voting and polling places on Election Day. These barriers and voter restrictions have a disproportionate impact on young voters, low-income voters, and voters of color.

## **THE SOLUTION**

A wide array of policies to increase voter participation should be adopted by state governments, but cities, counties and school districts have a key—and underappreciated—role to play in expanding access to our democracy. When it comes to voter registration and voting, counties and cities are where the rubber hits the road—where voters are registered, election machinery is operated, and voters cast their ballots. And a majority of the US population lives in cities and urban counties.<sup>5</sup> Changing voting policies in large cities can potentially expand access to voter registration and voting for tens of millions of people.<sup>6</sup>

Innovative local leaders can adopt reforms that will increase voter access, facilitate increased civic participation, strengthen the responsiveness of local government to community needs, and provide models for state and federal reform.

Moreover, in the aftermath of the 2016 election, we have seen an acceleration of proposed state voter restrictions including new voter ID laws, restrictions on early voting, and attempts to purge voter registration rolls.<sup>7</sup> We also anticipate new attempts in Congress to further restrict access to registration and the ballot, including congressional attempts to federalize voter restrictions like voter-ID and proof-of-citizenship. Although cities and counties cannot directly reverse the restrictive voting laws passed by the state legislatures or Congress, some jurisdictions have legal authority to expand access to voter registration and the ballot box for local residents.

The following represent some examples of creative solutions that cities have adopted:

### **FACILITATE AND INCREASE VOTER REGISTRATION**

Local Agency Registration: As public agencies, city and county agencies should integrate voter registration as part of all their agency transactions. **New York City** was the first jurisdiction to adopt a comprehensive municipal voter registration program that required agencies to offer eligible New Yorkers the opportunity to register to vote as

part of their agency transaction. City agencies must also comply with requirements for language access and training for agency staff. While over a decade of lax and ineffective implementation limited the full impact of the program,<sup>8</sup> in December 2014, New York City passed legislation that strengthened the city's Pro-Voter Law that accelerated implementation and agency compliance, leading to a substantial increase in the number of New York City residents being added to the rolls through this program. **Twenty-five city agencies and community boards are currently required to offer voter registration and provide voters assistance in completing registration applications.**<sup>9</sup>

High School Registration and Pre-Registration of 16- and 17-year-olds: Local governments can also play a key role in ensuring that high school students register when they become eligible to vote. For example, in **Broward County, FL**, the Supervisor of Elections conducts an annual high school registration drive, which in 2016 registered approximately 12,000 students.<sup>10</sup> School boards can support voter registration efforts by requiring regularly scheduled voter registration assemblies and other opportunities on school grounds where students who will be eligible to vote by the next election are provided registration forms, information, and support in filling them out. Moreover, in states that allow pre-registration,<sup>11</sup> schools districts should create programs that also pre-register eligible 16- and 17-year-olds who will then be automatically added to the registration rolls when they turn 18. Like high school registration, targeted youth outreach and pre-registration of 16- and 17-year-olds could lead to significant increases in voter registration and voter participation over a lifetime.<sup>12</sup> Local expansion of pre-registration in applicable states is also promising because it is low-cost and does not require any additional databases—new voters are simply entered under a “pending” status in the existing state system until they turn 18.<sup>13</sup>

#### EXPAND THE FRANCHISE TO NEW VOTERS

Youth Voting: In some states, municipalities have the legal authority to set voter eligibility requirements for local elections. Where legally possible, cities should fully enfranchise youth, as **Takoma Park, MD** did.<sup>14</sup> Research shows that voting is habitual and that norms related to political participation in high school have lasting impacts, so that promoting participation among 16- and 17-year-olds will increase turnout for years to come.<sup>15</sup>

Enfranchising formerly incarcerated citizens: Where legally possible, cities should enfranchise citizens with a felony conviction, who have lost their voting rights because of a felony conviction to vote, to vote in local elections. **Takoma Park** granted all previously incarcerated felons the right to vote in municipal elections once they complete the prison sentence, before the State of **Maryland** recently restored voting rights to all people with felony convictions upon release from incarceration.<sup>16</sup>

Local governments can also enact policies and develop outreach programs to ensure citizens whose rights have been newly restored know their rights and are registered to vote. In **Minnesota**, state law restores the right to vote to ex-felons after completing probation or parole but the state does not provide individuals with notice when their rights have been restored. **Minneapolis** adopted a “Restore Your Voice” initiative to “inform disenfranchised ex-felons of their voting rights.”<sup>17</sup>

#### PUBLIC FINANCING OF LOCAL ELECTIONS

The overwhelming evidence is that our system of campaigns funded by private dollars skews public policy in favor of the wealthy and forces elected officials to spend time raising money instead of focusing on governing. This system also distorts political representation, limiting who can run, who can win and who governs.

Cities and states cannot ban political spending, but they can reduce the outsized influence of wealthy contributors and democratize campaign funding through public financing. In **New York City**, candidates for mayor and city council receive \$6 in matching funds for every \$1 that they raise from a city resident (up to a limit of \$175 per resident). Candidates who participate in the program commit to limit their total spending. The program reduces the influence of moneyed interests, permits middle-class candidates to run competitive races and win, and engages a broader segment of the population in the electoral process.<sup>18</sup>

#### LANDSCAPE AND RESOURCES

The **Center for Popular Democracy** works with national partners, base-building organizations and state and local allies around the country to expand and defend voting rights at the local and state levels. **Demos, The Brennan Center, The Pew Charitable Trusts Elections Initiative, and Center for Popular Democracy** have excellent resources on voter registration modernization and campaign finance reform and examples of cities and counties that have implemented local voter registration expansion.<sup>19</sup> **The Brennan Center** has examples of cities and municipalities that have implemented early voting and on cities trying to support voting capacity, such as Los Angeles, as they work to design their own system.<sup>20</sup> For cities looking for ballot design ideas, **The Brennan Center** offers examples<sup>21</sup> from Florida counties that are working to increase ballot usability. **CIRCLE** has valuable information on youth participation.<sup>22</sup>

#### INTERACTIVE CITATIONS AVAILABLE ONLINE AT WWW.LOCALPROGRESS.ORG/NOTES

*Local Progress gratefully acknowledges the guidance and input from experts at the Brennan Center for Justice on this piece.*



# PARTICIPATORY BUDGETING

*“Participatory budgeting can create more equitable public spending...and increased levels of public participation, especially by low-income and politically marginalized residents.”*

## —Participatory Budgeting Project

### **THE PROBLEM**

Trust in government is approaching an all-time low. Too often, democratic practices in the United States are inaccessible and unresponsive to the public. This leads to inequitable distributions of government funding and disillusionment with the political process. Many people also feel like government isn’t listening, and they face obstacles to political engagement related to age, race, financial resources, criminal histories, and immigration status.<sup>1</sup>

### **THE SOLUTION**

Create new structures for participation. Participatory budgeting (PB) is a grassroots democratic process in which community members directly decide how to spend part of a public budget. Residents and taxpayers work with government to make budget decisions that improve their lives. Participatory budgeting has been used to distribute city, county, state, school, university, housing authority, and other agency budgets.

Participatory budgeting builds real community power over real money by letting people make real decisions over spending. Engaging the community in budgeting builds trust and understanding between elected officials and their constituents.

Participatory budgeting can create more equitable public spending, greater government transparency and accountability, democratic learning, and increased public participation, especially by low-income and politically marginalized residents.<sup>2</sup>

Participatory budgeting addresses inequity in political power and spending by giving everyone, including marginalized individuals, an equal voice while increasing civic engagement in local politics by training new leaders. The process is typically designed to allow all to participate, regardless of age, immigration status, experiences with the criminal justice system, and financial resources. In addition, underrepresented groups are often targeted in the engagement process through partnerships with local organizations that are already organizing in underrepresented communities.

Participatory processes also allow fewer opportunities for corruption, waste, or costly public backlash. The inclusivity of the process leads to fairer and more redistributive spending that is responsive to community needs.

### **POLICY ISSUES**

**VARIATIONS IN PARTICIPATORY BUDGETING:** There are significant variations in the institutional design of the different models of participatory budgeting that have spread across the country and the world.

The most inclusive and transformative models give residents decision-making power over general budget funds and enable all residents to participate and vote on priorities. Providing a budget for outreach broadens participation.<sup>3</sup> These models produce the best poverty reduction, declines in corruption, and extensive and representative participation from local residents.<sup>4</sup>

Other processes give citizens decision-making power over a smaller portion of the budget or an individual Councilor’s “discretionary funds.”<sup>5</sup> For example, in **New York City**, participatory budgeting is used to allocate \$35 million of City council discretionary funds.<sup>6</sup>

Local councilmembers may unilaterally decide to use participatory budgeting to spend their discretionary budgets, as officials have done in **Chicago, New York City, St. Louis, San Francisco, San Jose, and Long Beach, CA**. Since officials are allocating individual discretionary funds, no new legislation is required.



Alternatively, **Vallejo, CA**, City Council enacted a resolution to institute participatory budgeting at the citywide level to allocate \$3.2 million in revenue from a new city sales tax. With help from Council Members and the Participatory Budgeting Project the city created a steering committee that established rules and guidelines. The city also allocated \$200,000 for administration to ensure robust engagement.<sup>7</sup> City governments in **Boston, Seattle, Cambridge, and Greensboro, NC**, have also instituted citywide PB processes with general fund money. In **Boston** and **Seattle**, these processes have been designed specifically for youth, ages 11-25.

PB is also being used to allocate school funds in high schools in **Chicago, Phoenix, Sacramento, and San Jose**. In **New York City**, PB is being done for the first time (in the U.S.) with public housing funds through the New York City Housing Authority.

On the federal level, the Obama Administration included participatory budgeting as a best practice in its National Action Plan on Open Government, and the Department of Housing and Urban Development has embraced PB as a tool for enhancing public participation at the local level in the Community Development Block Grant (CDBG) program.

**EXAMPLES OF LOCAL PARTICIPATORY BUDGETING:** In **New York City**, individual city councilors agreed to allocate a portion of their discretionary capital funds to be decided through participatory budgeting.<sup>8</sup> Over 167,000 residents in 28 Council Districts have engaged in participatory budgeting, funding everything from laptops for schools, playground improvements, solar-powered greenhouses, transportation for seniors, installation of security cameras, and a community resource center. Participatory budgeting has involved a higher percentage of low-income residents (40%) than have local elections (29%), as well as a higher percentage of people of color and residents whose primary language is not English. Funds distributed through participatory budgeting have also often been more likely to go to projects in low-income areas than traditional discretionary funding allocations.<sup>9</sup>

Currently, over 5,600 residents of seven wards in **Chicago** decide each year how to spend \$1 million of their aldermen's "menu money" for capital projects.<sup>10</sup> Communities in **Chicago** have elected to construct new street lights, repair cross-walks and bike lanes, and redevelop a community garden and playground.<sup>11</sup>

The **City of Vallejo** established the first citywide participatory budgeting process in the U.S. through a City Council Resolution. In Vallejo's first PB cycle in 2013, over 4000 community members decided how to spend \$3.2 million. Projects in **Vallejo** can be implemented by a city department, a non-city agency, or a local non-profit, and have included community gardens, small business grants, park improvements, a youth job training program, city clean-up efforts, and transitional housing for the homeless.<sup>12</sup>

In **Boston**, the city launched a participatory budgeting process to engage youth directly on how to spend \$1 million of the city's capital budget. Over 2000 youth have participated. **Seattle** is currently in its first cycle of a citywide youth PB process run out of the city's Department of Neighborhoods.

In **San Francisco**, after a city Supervisor learned about PB through the Local Progress national convening, three districts participated in PB and 1500 participants allocated \$100,000 of discretionary funding for capital projects in each district. In **Long Beach, CA**, a Councilmember and Local Progress member started PB in his district with \$250,000 of capital discretionary funds, leading two other local Councilmembers to launch processes in their districts.

In **Greensboro, NC**, the first city in the South to do PB, residents are allocating \$500,000 for capital projects citywide.

In **San Jose, CA**, students, parents, staff, and teachers at Overfelt High School are deciding how to spend \$50,000 of the principal's budget. Smaller budgets are also being decided by high school students in **Phoenix, Chicago, and Sacramento**.

## **LANDSCAPE AND RESOURCES**

The **Participatory Budgeting Project** empowers people to decide together how to spend public money. It supports local elected officials and local organizations in creating participatory budgeting processes that deepen democracy and make public budgets more equitable and effective.

*Co-authored by the Participatory Budgeting Project*



# NOTES

## INTRODUCTION: EMBRACING A RACIAL EQUITY APPROACH

1. Myrick, Svante, Webber, Alan, “War on Drugs’ Doesn’t Tackle the Drug Problem,” *The Hill*, January 22, 2019, <https://thehill.com/opinion/health-care/426458-war-on-drugs-doesnt-tackle-the-drug-problem>
2. Pearl, Betsy, “Ending the War on Drugs: By the Numbers,” *Center for American Progress*, June 27, 2018, <https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/>; Meng, Grace, “A Price Too High: US Families Torn Apart by Deportations for Drug Offenses,” *Human Rights Watch*, June 16, 2015, <https://www.hrw.org/report/2015/06/16/price-too-high/us-families-torn-apart-deportations-drug-offenses>
3. Katz, Josh, Sanger-Katz, Margot, “‘The Numbers Are So Staggering.’ Overdose Deaths Set a Record Last Year.,” *New York Times*, November 29, 2018, <https://www.nytimes.com/interactive/2018/11/29/upshot/fentanyl-drug-overdose-deaths.html>
4. 2017 Crime in the United States, “Arrests Table: Arrests for Drug Abuse Violations Percent Distribution by Region, 2017,” *FBI Uniform Crime Report*, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/persons-arrested>
5. “Strategic Choices for reducing Overdose Deaths in four European Cities, Appendix”, 2002, p. 41, [http://ec.europa.eu/health/ph\\_projects/1999/drug/fp\\_drug\\_2001\\_a1\\_frep\\_05\\_en.pdf](http://ec.europa.eu/health/ph_projects/1999/drug/fp_drug_2001_a1_frep_05_en.pdf)
6. Stover, Heino, “Multi-agency Approach To Drug Policy On A Local Level ‘the Frankfurt Way,’” *Open Society Foundations*, [https://www.opensocietyfoundations.org/uploads/5b6b23a7-8016-458c-bfe4-e59333299136/The\\_Frankfurt\\_Way.pdf](https://www.opensocietyfoundations.org/uploads/5b6b23a7-8016-458c-bfe4-e59333299136/The_Frankfurt_Way.pdf)
7. *Id*
8. Fumano, Dan, “‘A daily game of Russian Roulette’—lessons from Vancouver’s last overdose crisis,” *Vancouver Sun*, November 15, 2017, <https://vancouver.sun.com/news/local-news/dan-fumano-a-daily-game-of-russian-roulette-lessons-from-recent-history-of-vancouver-last-overdose-crisis>
9. MacPherson, Donald, “A Four-Pillar Approach to Drug Problems in Vancouver,” *City of Vancouver*, January 2001, [https://static1.squarespace.com/static/596f8b1ca803bb496e345ac8/t/59c97123f5e231aecc5a781d/1506373924623/A\\_Four-Pillar\\_Approach\\_to\\_Drug\\_Problems\\_in\\_Vancouver.pdf](https://static1.squarespace.com/static/596f8b1ca803bb496e345ac8/t/59c97123f5e231aecc5a781d/1506373924623/A_Four-Pillar_Approach_to_Drug_Problems_in_Vancouver.pdf)

10. City of Ithaca, “A Public Health and Safety Approach to Drugs and Drug Policy,” [https://www.cityofithaca.org/DocumentCenter/View/4224/The\\_Ithaca\\_Drug\\_Plan\\_19Feb2016\\_REFERENCE?bidId=](https://www.cityofithaca.org/DocumentCenter/View/4224/The_Ithaca_Drug_Plan_19Feb2016_REFERENCE?bidId=)
11. Last, TS, “Legalizing all personal drug use, ‘injection facility’ among ideas of Santa Fe task force,” *Albuquerque Journal*, June 2, 2019, <https://www.abqjournal.com/1322931/city-drug-task-force-to-make-proposals.html>
12. San Francisco Department of Public Health, “Harm Reduction Services in San Francisco,” June 2017, <https://www.sfdph.org/dph/files/SISTaskforce/IssueBrief-06202017.pdf>
13. Allard, Scott W, Kneebone, Elizabeth, “A nation in overdose peril: Pinpointing the most impacted communities and the local gaps in care,” *Brookings*, September 25, 2017, <https://www.brookings.edu/research/pinpointing-opioid-in-most-impacted-communities/>.
14. National Institute on Drug Abuse, “Principles of Substance Abuse Prevention for Early Childhood,” March, 2016, <https://www.drugabuse.gov/publications/principles-substance-abuse-prevention-early-childhood/table-contents>, Robert Wood Johnson Foundation, “Can Early Childhood Interventions Improve Health and Well-Being?” March 1, 2016, <https://www.rwjf.org/en/library/research/2016/03/can-earlychildhood-interventions-improve-life-outcomes-.html>.

## ABORTION ACCESS

1. Rachel K. Jones, Jenna Jerman, “Population Group Abortion Rates and Lifetime Incidence of Abortion: United States, 2008–2014”, *American Journal of Public Health* 107, no. 12 (December 1, 2017): pp. 1904–1909.
2. Elizabeth Nash “Unprecedented Wave of Abortion Bans is an Urgent Call to Action”, *Guttmacher Institute* (2019). <https://www.guttmacher.org/article/2019/05/unprecedented-wave-abortion-bans-urgent-call-action>
3. <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/06/Fiscal-2020-Schedule-C-Final-7.pdf> p. 75
4. Ari Auber, “Anti-Abortion Measure Targets Travis County,” *The Texas Tribune* (July, 2011).
5. National Network of Abortion Funds. <https://abortionfunds.org/>
6. [https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=COOR\\_TITSIXCO\\_ARTIRERIAC\\_CH623PUSAHECAFA\\_S623.04FIOTBUZO](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITSIXCO_ARTIRERIAC_CH623PUSAHECAFA_S623.04FIOTBUZO)
7. *Pine v. City of West Palm Beach*, FL, 762 F.3d 1262, 1275 (2014); see *West Palm Beach, Fla.*, Code § 78–425 & § 34–38.
8. <https://charlottenc.legistar.com/LegislationDetail.aspx?ID=3991394&GUID=A3035C95-94E5-4676-8C4B-8020016524C6&Options=ID|Text|&Search=noise>
9. <https://columbus.legistar.com/LegislationDetail.aspx?ID=2743189&GUID=C324E866-EB39-4C36-AF67-42EC3109E059&Options=ID|Text|&Search=1458-2016>
10. <https://charlestonwv.civicclerk.com/Web/GenFile.aspx?ad=412>
11. Jeff Parrot, “South Bend mayor Pete Buttigieg vetoes anti-abortion group’s rezoning,” *South Bend Tribune* (April, 2018). [https://www.southbendtribune.com/news/local/south-bend-mayor-pete-buttigieg-vetoes-anti-abortion-group-s/article\\_0b08950f-cd02-5b15-93cf-ff3a29fa2515.html](https://www.southbendtribune.com/news/local/south-bend-mayor-pete-buttigieg-vetoes-anti-abortion-group-s/article_0b08950f-cd02-5b15-93cf-ff3a29fa2515.html)
12. While the language used elsewhere in this brief is written to include transgender, gender non-conforming, and gender non-binary people who can also become pregnant and need reproductive health care, we use “women” here because anti-abortion pregnancy centers typically target cis-women.
13. [https://library.municode.com/ct/hartford/codes/code\\_of\\_ordinances?nodeId=PTIHMUCO\\_CH17HE-SA\\_ARTVIPRINDIPR\\_S17-164PRFAMIDEAD](https://library.municode.com/ct/hartford/codes/code_of_ordinances?nodeId=PTIHMUCO_CH17HE-SA_ARTVIPRINDIPR_S17-164PRFAMIDEAD)
14. [http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter93pregnancy-informationdisclosure?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=-JD\\_Chapter93](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter93pregnancy-informationdisclosure?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=-JD_Chapter93)
15. <https://pdf.countyofdane.com/ordinances/amendments/OA461213.pdf>
16. For an example of such a campaign developed by community organizations, see <https://www.abortionslegalingeorgia.com/>.
17. “Durham Board Of County Commissioners: Resolution To Support Women’s Health.” April 9, 2018. [https://www.nirhealth.org/wp-content/uploads/2018/04/Resolution-to-Support-Womens-Health\\_20180406.pdf](https://www.nirhealth.org/wp-content/uploads/2018/04/Resolution-to-Support-Womens-Health_20180406.pdf)

18. <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=3217296&GUID=BFF488A1-E084-4F94-AD-FC-ABC496A6E3A3&Options=ID%7cText%7c&-Search=&FullText=1>
19. <https://oakland.legistar.com/LegislationDetail.aspx?ID=2234043&GUID=EAF8DF92-8B69-4BD5-9051-A7DCD089D53E&Options=&Search=>
20. <https://bloomington.in.gov/council/legislation/Resolution/2015/15-21>
21. <https://prochoice.org/national-day-appreciation-abortion-providers-2/>
6. Nick Sibilla, “Seize First, Ask Questions Later: Philadelphia Police Take Over \$6 Million a Year in Civil Asset Forfeiture.” Institute for Justice, November 30, 2012, <http://ij.org/action-post/seize-first-ask-questions-later-philadelphia-police-take-over-6-million-a-year-in-civil-asset-forfeiture/>.
7. Christopher Ingraham, “How Philadelphia Seizes Millions in ‘Pocket Change’ from some of the City’s Poorest Residents.”
8. Ibid.
9. Elora Mukherjee, “Settlement Means No More Highway Robbery in Tenaha, Texas,” American Civil Liberties Union, August 9, 2012, <https://www.aclu.org/blog/criminal-law-reform/settlement-means-no-more-highway-robbery-tenaha-texas>.

## ACCESS TO HEALTHY FOOD

1. Ordinance No. 180877.” City of Los Angeles. September 9, 2009. Accessed July 18, 2017.
2. “Executive Order No. 19” The City of New York. July 14, 2016. Accessed July 18, 2017.
3. “Program Guidelines.” New Orleans Fresh Food Retailer Initiative. Accessed July 18, 2017.
4. “A Recipe for Healthy Places: Addressing the Intersection of Food and Obesity in Chicago.” City of Chicago. Adopted January 24, 2013. Accessed July 18, 2017.
5. “Food, Environmental, and Economic Development in the District of Columbia Act of 2010.” Codification District of Columbia Code. Accessed July 18, 2017.
6. “Good Food Purchasing Policy.” Los Angeles Food Policy. Good Food Purchasing Program. Accessed July 18, 2017.
7. “Stories and Successes.” Good Food Purchasing Accessed July 28, 2017.

## CIVIL ASSET FORFEITURE

1. Dick M. Carpenter, II, Lisa Knepper, Angela C. Erickson, and Jennifer McDonald, “Policing for Profit: The Abuse of Civil Asset Forfeiture (2nd ed.),” The Institute for Justice, November 2015, <https://ij.org/wp-content/uploads/2015/11/policing-for-profit-2nd-edition.pdf>.
2. “Equitable Sharing Program,” Department of Justice, Accessed May 9, 2018, <https://www.justice.gov/criminal-mlars/equitable-sharing-program>
3. Scott Rodd, “Should Police Be Allowed to Keep Property Without a Criminal Conviction?” The Pew Charitable Trust, February 8, 2017, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/02/08/should-police-be-allowed-to-keep-property-without-a-criminal-conviction>.
4. Matt Ford, “The Bipartisan Opposition to Sessions’s New Civil Forfeiture Rules,” *The Atlantic*, July 19, 2017, <https://www.theatlantic.com/politics/archive/2017/07/sessions-forfeiture-justice-department-civil/534168/>.
5. Christopher Ingraham, “How Philadelphia Seizes Millions in ‘Pocket Change’ from some of the City’s Poorest Residents,” *Washington Post*, June 10, 2015, [https://www.washingtonpost.com/news/wonk/wp/2015/06/10/how-philadelphia-seizes-millions-in-pocket-change-from-some-of-the-citys-poorest-reisidents/?noredirect=on&utm\\_term=.2121a6c637da](https://www.washingtonpost.com/news/wonk/wp/2015/06/10/how-philadelphia-seizes-millions-in-pocket-change-from-some-of-the-citys-poorest-reisidents/?noredirect=on&utm_term=.2121a6c637da).

10. Ibid.
11. Holly Otterbein, “This Bill Would Transform Civil Asset Forfeiture in Pa.,” *Philadelphia Magazine*, June 3, 2015, <https://www.phillymag.com/news/2015/06/03/civil-asset-forfeiture-philadelphia/>.
12. “ACLU of PA: State Senate Bill Fails to Reform Civil Asset Forfeiture,” American Civil Liberties Union, April 26, 2017, <https://www.aclupa.org/news/2017/04/26/aclu-pa-state-senate-bill-fails-reform-civil-asset-forfeiture>.
13. Nick Sibilla, “Washington, D.C. Council Votes to Reform City’s Civil Forfeiture Laws, Ban Policing for Profit,” *Forbes*, December 3, 2014, <https://www.forbes.com/sites/instituteofjustice/2014/12/03/washington-d-c-council-votes-to-reform-citys-civil-forfeiture-laws-ban-policing-for-profit/#31a568c23010>.
14. “The Bronx Defenders Secures Settlement Ending the NYPD’s Unconstitutional Practice of Keeping Money and Property Seized During Arrests,” Bronx Defenders, February 12, 2018, <https://www.bronxdefenders.org/the-bronx-defenders-secures-settlement-ending-the-nypds-unconstitutional-practice-of-keeping-money-and-property-seized-during-arrests/>.
15. Ibid.

## EQUALITY AND EQUITY FOR TRANS, NONBINARY, AND GENDER NONCONFORMING PEOPLE

1. Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, and Ma’ayan Anafi, *The Report of the 2015 U.S. Transgender Survey* (Washington, DC: National Center for Transgender Equality, 2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>; Lourdes Ashley Hunter, Ashe McGovern, and Carla Sutherland, eds., *Intersecting Injustice: Addressing LGBTQ Poverty and Economic Justice for All: A National Call to Action* (New York: Social Justice Sexuality Project, Graduate Center, City University of New York, 2018), <https://static1.squarespace.com/static/5a00c5f2a803bbe2eb0ff14e/t/5aca6f45758d4>
- 6742a5b8f78/1523216213447/FINAL+PovertyReport\_HighRes.pdf
2. *Paying an Unfair Price: The Financial Penalty for Being Transgender in America* (Movement Advancement Project and Center for American Progress, February 2015), <http://www.lgbtmap.org/file/paying-an-unfair-price-transgender.pdf>
3. *Unjust: How the Broken Criminal Justice System Fails Transgender People* (Movement Advancement Project and Center for American Progress, May 2016), <http://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-trans>
4. Katherine Schreiber, “Why Transgender People Experience More Mental Health Issues,” *Psychology Today*, December 6, 2016, <https://www.psychologytoday.com/us/blog/the-truth-about-exercise-addiction/201612/why-transgender-people-experience-more-mental-health>
5. Andrew Cray and Jack Harrison, “ID Accurately Reflecting One’s Gender Identity Is a Human Right,” Center for American Progress, December 18, 2012, <https://www.americanprogress.org/issues/lgbt/reports/2012/12/18/48367/id-accurately-reflecting-ones-gender-identity-is-a-human-right/>
6. Erica L. Green, Katie Benner, and Robert Pear, “‘Transgender’ Could be Defined Out of Existence Under Trump Administration,” *The New York Times*, October 21, 2018, <https://www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html>
7. “US Proposal for Defining Gender has no Basis in Science,” *Nature*, October 30, 2018, <https://www.nature.com/articles/d41586-018-07238-8>
8. Gillian Branstetter, “Humiliation or Secrecy: The Hard Choices Faced by Transgender Patients,” *Medium*, July 25, 2018, <https://medium.com/protect-trans-health/humiliation-or-secrecy-the-hard-choices-faced-by-transgender-patients-c9286183947e>
9. For example, testosterone treatment is a commonly prescribed and covered by insurance for cisgender men but may not be for transgender men and nonbinary people if they are classified as female according to insurance records. Gillian Branstetter, “The Stigma and Bias Making Health Insurance Terrible for Trans People,” *Medium*, August 13, 2018, <https://medium.com/protect-trans-health/the-stigma-and-bias-making-health-insurance-terrible-for-trans-people-9be2e952b7b8>
10. Olga Khazan, “Why the Trump Administration’s New Gender Definition Worries Doctors,” *The Atlantic*, October 23, 2018, <https://www.theatlantic.com/health/archive/2018/10/what-the-trump-eras-new-transgender-definition-means-for-patients/573694/>
11. *Separation and Stigma: Transgender Youth and School Facilities* (Movement Advancement Project and GLSEN, April 2017), <https://www.glsen.org/sites/default/files/Separation%20and%20Stigma%20-%20Full%20Report.pdf>; Joseph G. Kosciw, Emily A. Greytak, Adrian D. Zongrone, Caitlin M. Clark, and Nhan L. Truong, *The 2017 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation’s*



- Schools* (New York: GLSEN, 2018), <https://www.glsen.org/sites/default/files/GLSEN%202017%20National%20School%20Climate%20Survey%20%28NSCS%29%20-%20Full%20Report.pdf>
12. Sharita Gruberg, "ICE's Rejection of Its Own Rules Is Placing LGBT Immigrants at Severe Risk of Sexual Abuse," Center for American Progress, May 30, 2018, <https://www.americanprogress.org/issues/lgbt/news/2018/05/30/451294/ices-rejection-rules-placing-lgbt-immigrants-severe-risk-sexual-abuse/>
  13. Robert T. Muller, "Solitary Confinement is Torture," *Psychology Today*, May 10, 2018, <https://www.psychologytoday.com/us/blog/talking-about-trauma/201805/solitary-confinement-is-torture>
  14. Emily Tucker, *Protecting Immigrant Communities: Municipal Policy to Confront Mass Deportation and Criminalization* (Center for Popular Democracy and Local Progress, March 2017), [https://populardemocracy.org/sites/default/files/Sanctuary-Cities-Toolkit\\_web.pdf](https://populardemocracy.org/sites/default/files/Sanctuary-Cities-Toolkit_web.pdf)
  15. "New York City Creates Gender-Neutral 'X' Option for Birth Certificates," *NBC News*, October 10, 2018, <https://www.nbcnews.com/feature/nbc-out/new-york-city-creates-gender-neutral-x-option-birth-certificates-n918506>
  16. "Gender Identity/Gender Expression: Legal Enforcement Guidance," New York City Commission on Human Rights, accessed February 23, 2019, <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page>; Milo Primeaux, *Know Your Rights: A Guide to Understanding Protections for Transgender and Gender-nonconforming People under the New York State Human Rights Law* (New York: Empire Justice Center, October 2016), <http://empirejustice.org/wp-content/uploads/2018/01/updated-know-your-rights.pdf>.
  17. It should be noted that laws prohibiting discrimination on the basis of sex or gender (and not gender identity) do not necessarily cover discrimination based on trans or nonbinary identity or expression.
  18. Marc Santora, "New York Police to Limit Seizing of Condoms in Prostitution Cases," *The New York Times*, May 12, 2014, <https://www.nytimes.com/2014/05/13/nyregion/new-york-police-to-limit-seizing-of-condoms-in-prostitution-cases.html>.
  19. Jessica Ramos and Julia Salazar, "Decriminalize Sex Work in New York," *Daily News*, February 25, 2019, <https://www.nydailynews.com/opinion/ny-oped-decriminalize-sex-work-in-ny-20190221-story.html>.
  20. City of Minneapolis City Council, *Supporting Continued Efforts to Further Transgender Equity in the City of Minneapolis*, Resolution, 2016, <https://lims.minneapolismn.gov/Download/PriorFileDocument/-63286/WCMSP-180702.PDF>
  21. "Transgender Equity," City of Minneapolis, accessed February 17, 2019, <http://www.minneapolismn.gov/coordinator/TransgenderEquity/index.htm>
  22. "Interactions with Transgender and Gender Non-Conforming Individuals," 7-3000, Policy and Procedure Manual, Minneapolis Police Department, <http://www.ci.minneapolis.mn.us/police/policy/WCMSP-181822>
  23. Faiza Mahamud, "Minneapolis Adds All Gender Restrooms in City Buildings," *Star Tribune*, May 15, 2017, <http://www.startribune.com/minneapolis-adds-all-gender-restrooms-in-city-buildings/422414393/>
  24. "Philadelphia's LGBTQ Protections," City of Philadelphia, accessed March 5, 2019, <https://www.phila.gov/2017-12-04-philadelphias-lgbtq-protections/>.
  25. Rich Kremer, "Eau Claire Becomes Third Wisconsin City to Ban Conversion Therapy," *Wisconsin Public Radio*, October 12, 2018, <https://www.wpr.org/eau-claire-becomes-third-wisconsin-city-ban-conversion-therapy>
  26. "Model Laws and Policies," GLSEN, accessed February 17, 2019, <https://www.glsen.org/article/model-laws-policies>
  27. "Framework for Development of Youth Informed Comprehensive, Frederick, MD, BOE Policy," Frederick County Board of Education, June 2017, <https://localprogress.org/wp-content/uploads/2018/10/Frederick-MD-BOE-Policy-2.pdf>
  28. Council of the District of Columbia, *Promoting Public Safety and Health Act*, draft bill, <https://www.scribd.com/document/360715820/Promoting-Public-Safety-and-Health-DRAFT>
  29. California State Legislature, *Infectious and Communicable Diseases: HIV and AIDS: Criminal Penalties*, SB-239, 2017-2018 [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=2017201805B239](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=2017201805B239)
  30. See for example, Local Progress's extensive range of issue area policy briefs at [www.localprogress.org/resources/policybriefs](http://www.localprogress.org/resources/policybriefs).
  31. See for example, "SRLP on Hate Crime Laws," (New York: Sylvia Rivera Law Project, ND), <https://srlp.org/action/hate-crimes/>
  32. "Know Your Rights: Transgender People and the Law," American Civil Liberties Union, accessed February 24, 2019, <https://www.aclu.org/know-your-rights/transgender-people-and-law>
  33. For more information on Trans United, see <http://www.transunitedfund.org/building-capacity/>
  34. "FAQ About Identity Documents," Lambda Legal, accessed February 24, 2019, <https://www.lambdalegal.org/know-your-rights/article/trans-identity-document-faq>
  35. "Model Laws and Policies," GLSEN, accessed February 17, 2019, <https://www.glsen.org/article/model-laws-policies>
  36. "Mapping Transgender Equality in the United States," Movement Advancement Project, accessed February 24, 2019, <http://www.lgbtmap.org/mapping-trans-equality>
- LGBT CIVIL RIGHTS**
1. Mark Potok, *Anti-Gay Hate Crimes: Doing the Math*, (2010) Lila Shapiro, Record Number of Reported LGBT Homicides So Far in 2015, (2015)
  2. Geneva Pittman, *Social Environment Linked to Gay Teen Suicide Risk*, Reuters Magazine (2011); American Association of Suicidology, *Suicidal Behavior Among Lesbian, Gay, Bisexual, and Transgender Youth Fact Sheet*; National Center for Transgender Equality, *The Report of the U.S. Transgender Survey*, (2015).
  3. Sandhya Somashekar, *Trump Administration Rolls Back Protections for Transgender Students*, Washington Post (2017).
  4. It is important to note that three states, Tennessee, North Carolina, and Arkansas, have anti-discrimination preemption laws that prevent municipalities from creating anti-discrimination ordinances.
  5. Josh Goodman, *Republican Legislatures Move to Preempt Local Government* (2012).
  6. Human Rights Campaign, *Cities and Counties with Non-Discrimination Ordinances that Include Gender Identity* (2013).
  7. City of San Antonio, Human Resources Department, *Civilian Employees Eligibility*,
  8. Todd A. Solomon and Brett R. Johnson, *Walking Employees Through the Regulatory Maze Surrounding Same-Sex Domestic Partner Benefits* (2012).
  9. Human Rights Campaign, *Cities and Counties with Non-Discrimination Ordinances that Include Gender Identity*, (2013).
  10. City of New York, Office of the Mayor, *NYC Commission in Human Rights Announces Strong Protections for City's Transgender and Gender Non-Conforming Communities in Housing, Employment, and Public Spaces*.
  11. Jorge Barrientos, *Seth's Legacy: Tehachapi teen's Suicide Launches National, Local, anti-Bullying Fight*, (2012).
  12. Lisa Reyes, *CMS Adopts Anti-Bullying Policy* (2008); GLSEN Blog, *Oklahoma City School Board Adds Sexual Orientation and Gender Identity to Anti-Bullying Policy* (2009).
  13. LGBTQ Nation, *Broward County Schools First in U.S. to Recognize LGBT History Month* (2012).
  14. Kathleen Ganster, *Gay-Straight Alliance at Hampton Spreads Awareness, Tolerance*, Pittsburgh Post-Gazette (2013).
  15. Michael Chandler, *In D.C. Schools, Early Lessons in Gay Tolerance*, Washington Post (2012); Diana Schemo, *Lessons on Homosexuality Move Into the Classroom*, New York Times (2007)
  16. See Susquehanna Township, *Ordinance 11-17* (2011); New York City, *Chapter 1: Commission on Human Rights*.
  17. Chicago Committee on Human Relations, *Amendment of Titles 2 and 5* (2002).
  18. Title 8 of the Administrative Code of the City of New York.
  19. Movement Advancement Project, *Local Employment Non-Discrimination Ordinances*.
- LOCAL POLICE SURVEILLANCE TECHNOLOGY**
1. For further discussion, see *Let There Be Light: Cities Across America Are Pushing Back Against Secret Surveillance by Police*. ACLU, September 21, 2016.

2. *ibid*
3. An Act to Promote Transparency and Protect Civil Rights and Civil Liberties with Respect to Surveillance Technology. ACLU. January 2017.
4. Ordinance Number 124142, Office of the City Clerk. Seattle.gov. Passed March 18, 2013.
5. Ordinance NO. BL2017-646. Nashville Metropolitan Council. Approved June 7, 2017.
6. Santa Clara County Passes Landmark Law to Shut Down Secret Surveillance. ACLU. June 8, 2016.
7. Berkeley, CA; Oakland, CA; Palo Alto, CA; New York, NY; Cambridge, MA; Somerville, MA; Washington, DC; Charlottesville, VA; Richmond, VA; Pensacola, FL; Miami Beach, FL; Hattiesburg, MS; St. Louis, MO; Milwaukee, WI; Madison, WI; Muskegon, MI.
8. California and Maine.

## LESSONS IN TAKING DRUG POLICY REFORM LOCAL

1. Myrick, Svante, Webber, Alan, “War on Drugs’ Doesn’t Tackle the Drug Problem,” *The Hill*, January 22, 2019, <https://thehill.com/opinion/health-care/426458-war-on-drugs-doesnt-tackle-the-drug-problem>
2. Pearl, Betsy, “Ending the War on Drugs: By the Numbers,” *Center for American Progress*, June 27, 2018, <https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/>; Meng, Grace, “A Price Too High: US Families Torn Apart by Deportations for Drug Offenses,” *Human Rights Watch*, June 16, 2015, <https://www.hrw.org/report/2015/06/16/price-too-high/us-families-torn-apart-deportations-drug-offenses>
3. Katz, Josh, Sanger-Katz, Margot, “‘The Numbers Are So Staggering.’ Overdose Deaths Set a Record Last Year,” *New York Times*, November 29, 2018, <https://www.nytimes.com/interactive/2018/11/29/upshot/fentanyl-drug-overdose-deaths.html>
4. 2017 Crime in the United States, “Arrests Table: Arrests for Drug Abuse Violations
5. Percent Distribution by Region, 2017,” *FBI Uniform Crime Report*, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/percent-arrested>
6. “Strategic Choices for reducing Overdose Deaths in four European Cities, Appendix”, 2002, p. 41, [http://ec.europa.eu/health/ph\\_projects/1999/drug/fp\\_drug\\_2001a1\\_frep\\_05\\_en.pdf](http://ec.europa.eu/health/ph_projects/1999/drug/fp_drug_2001a1_frep_05_en.pdf) Stover, Heino, “Multi-agency Approach To Drug Policy On A Local Level ‘the Frankfurt Way,’” *Open Society Foundations*, [https://www.opensocietyfoundations.org/uploads/5b6b23a7-8016-458c-bfe4-e59333299136/The\\_Frankfurt\\_Way.pdf](https://www.opensocietyfoundations.org/uploads/5b6b23a7-8016-458c-bfe4-e59333299136/The_Frankfurt_Way.pdf)
7. *Id*
8. Fumano, Dan, “‘A daily game of Russian Roulette’—lessons from Vancouver’s last overdose crisis,” *Vancouver Sun*, November 15, 2017, <https://vancouversun.com/news/local-news/dan-fumano-a-daily-game-of-russian-roulette-lessons-from-recent-history-of-vancouvers-last-overdose-crisis>
9. MacPherson, Donald, “A Four-Pillar Approach to Drug Problems in Vancouver,” *City of Vancouver*, January 2001, [https://static1.squarespace.com/static/596f8b1ca803bb496e345ac8/t/59c97123f5e231aeec5a781d/1506373924623/A\\_Four-Pillar\\_Approach\\_to\\_Drug\\_Problems\\_in\\_Vancouver.pdf](https://static1.squarespace.com/static/596f8b1ca803bb496e345ac8/t/59c97123f5e231aeec5a781d/1506373924623/A_Four-Pillar_Approach_to_Drug_Problems_in_Vancouver.pdf)
10. City of Ithaca, “A Public Health and Safety Approach to Drugs and Drug Policy,” [https://www.cityofithaca.org/DocumentCenter/View/4224/The\\_Ithaca\\_Drug\\_Plan\\_19Feb2016\\_REFERENCE?bidId=](https://www.cityofithaca.org/DocumentCenter/View/4224/The_Ithaca_Drug_Plan_19Feb2016_REFERENCE?bidId=)
11. Last, TS, “Legalizing all personal drug use, ‘injection facility’ among ideas of Santa Fe task force,” *Albuquerque Journal*, June 2, 2019, <https://www.abqjournal.com/1322931/city-drug-task-force-to-make-proposals.html>
12. San Francisco Department of Public Health, “Harm Reduction Services in San Francisco,” June 2017, <https://www.sfdph.org/dph/files/SIStaskforce/IssueBrief-06202017.pdf>
13. Allard, Scott W, Kneebone, Elizabeth, “A nation in overdose peril: Pinpointing the most impacted communities and the local gaps in care,” *Brookings*, September 25, 2017, <https://www.brookings.edu/research/pinpointing-opioid-in-most-impacted-communities/>.
14. National Institute on Drug Abuse, “Principles of Substance Abuse Prevention for Early Childhood,” March, 2016, <https://www.drugabuse.gov/publications/principles-substance-abuse-prevention-early-childhood/table-contents>. Robert Wood Johnson Foundation, “Can Early Childhood Interventions Improve Health and Well-Being?” March 1, 2016, <https://www.rwjf.org/en/library/research/2016/03/can-earlychildhood-interventions-improve-life-outcomes-.html>.

## REPRODUCTIVE RIGHTS FOR YOUNG PEOPLE

1. “Emerging Evidence, Lessons and Practice in Comprehensive Sexuality Education: A Global Review” <https://www.unfpa.org/publications/emerging-evidence-lessons-and-practice-comprehensive-sexuality-education-global-review>. Accessed May 7, 2018.
2. Centers for Disease Control Mortality and Morbidity Report, “First National Study of Lesbian, Gay and Bisexual Students’ Health Finds Higher Levels of Physical/Sexual Violence and Bullying Than Peers”, August 11, 2016, <https://www.cdc.gov/nchhstp/newsroom/2016/lgb-youth-report-press-release.html>. Accessed May 7, 2018.
3. Centers for Disease Control, 2016 Sexually Transmitted Diseases Surveillance, “STDs in Adolescents and Young Adults.” Accessed May 7, 2018. <https://www.cdc.gov/std/stats16/adolescents.htm>.
4. Guttmacher Institute, “An Overview of Minors’ Consent Law Accessed May 7, 2018. <https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law>.
5. Centers for Disease Control, “School Health Policies and Practices Study: Pregnancy Prevention,” 2014 [https://www.cdc.gov/healthyyouth/data/shpps/pdf/2014factsheets/pregnancy\\_shpps2014.pdf](https://www.cdc.gov/healthyyouth/data/shpps/pdf/2014factsheets/pregnancy_shpps2014.pdf)
6. Lawrence B. Finer, Mia R. Zolna, “Declines in Unintended Pregnancy in the United States, 2008-2011,” Table 1, *New England Journal of Medicine*, March 3, 2016. <http://www.nejm.org/doi/full/10.1056/NEJMsal1506575>
7. Guttmacher Institute, “An Overview of Minors’ Consent Law | Guttmacher Institute.” Accessed May 7, 2018. <https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law>.
8. Kyla Ellis-Sloan, “Teenage Mothers, Stigma and Their ‘Presentations of Self’” *Sociological Research Online*, Vol 19, Issue 1, March 5, 2014.
9. The National Sexuality Education Standards, available at <http://www.futureofsexed.org/documents/josh-fose-standards-web.pdf>, provide an excellent model for a comprehensive sexuality education policy. Curricula should also be culturally competent, considering the intersectionality of race and socioeconomic status with other identities listed in the standards, such as sexuality and gender.
10. <http://policy.cps.edu/download.aspx?ID=57>
11. Sexuality Education Alliance of New York City, “NYC Students Unveil Findings on State of Sex Education in Schools at Council Bill Hearing.” April 19, 2017. <https://sexedallianceofnyc.tumblr.com/post/159754378461/nyc-students-unveil-findings-on-state-of-sex>
12. Sexuality Information and Education Council of the United States, “Florida School District Plans to Update Sexuality Education Policy” <http://www.siecus.org/index.cfm?fuseaction=Feature.showFeature&featureID=2314>
13. Healthy Teen Network, “Strategic Plan to Reduce Teen Births in Baltimore City,” May 11, 2010 <http://www.healthyyteenetwork.org/resources/strategic-plan-reduce-teen-births-baltimore-city/>; [http://www.healthyyteenetwork.org/wp-content/uploads/2016/10/SupportingEvaluation\\_Implement-SexEdSchools.pdf](http://www.healthyyteenetwork.org/wp-content/uploads/2016/10/SupportingEvaluation_Implement-SexEdSchools.pdf)
14. National Institute for Reproductive Health, “Teen Outreach Reproductive Challenge,” <https://www.nirhealth.org/torch/>
15. Indiana Youth Group 2015 Annual Report, <http://www.indianayouthgroup.org/files/file/annual-report-2015.pdf>
16. To learn more about the harms of the “teen pregnancy prevention” framework and alternatives, see “Dismantling Teen Pregnancy Prevention” by Young Women United at <https://youngwomenunited.org/dismantlingteenpregnancy-prevention/>.
17. Pregnant and Parenting Youth Program Brochure, Milwaukee Public Schools. [http://www5.milwaukee.k12.wi.us/school/madison/files/2016/01/MPS-SpecServ\\_Pregnant-ParentBrochure\\_1115.pdf](http://www5.milwaukee.k12.wi.us/school/madison/files/2016/01/MPS-SpecServ_Pregnant-ParentBrochure_1115.pdf)
18. Teen Parent Services, Minneapolis Public Schools. <http://ece.mpls.k12.mn.us/teen-parent-services>
19. Healthy Teen Network, “Day of Recognition for Young Parents,” August 25, 2017. <https://webcache.googleusercontent.com/search?q=cache:6F0fiMqH-X8J:www.healthyyteenetwork.org/event/day-recognition-young-parents/+&cd=1&hl=en&ct=clnk&gl=us>



20. Editorial, "Hillsboro School Board is Right to Readdress Contraception Issue," Hillsboro Tribune, February 28, 2018. <https://pamplinmedia.com/ht/118-hillsboro-tribune-opinion/388143-278665-hillsboro-school-board-is-right-to-re-address-contraception-issue>
21. Baltimore Medical System, "Batlimore Medical System Receives \$30,000 Grant from the Abell Foundation," February 11, 2016. <https://bmsi.org/baltimore-medical-system-receives-30000-grant-from-the-abell-foundation/>
22. Take Control Philly Website, <http://takecontrol-philly.org/index.php/en/home/>

## CREATING GREEN JOBS

1. [www.usmayors.org/resolutions/76th-conference/jew\\_05.asp](http://www.usmayors.org/resolutions/76th-conference/jew_05.asp).
2. See OECD, Cities and Climate Change at 149 (2010), available at [http://www.keepeek.com/Digital-Asset-Management/ocd/governance/cities-and-climate-change\\_9789264091375-en](http://www.keepeek.com/Digital-Asset-Management/ocd/governance/cities-and-climate-change_9789264091375-en) and Economic Policy Institute, Counting Up to Green (Oct. 12, 2012) at <http://www.epi.org/publication/bp349-assessing-the-green-economy/>.
3. See Good Jobs First, High Road or Low Road? Job Quality in the New Green Economy (2009), at <http://www.goodjobsfirst.org/sites/default/files/docs/pdf/gfgreenjobsrpt.pdf>.
4. <http://www.eia.gov/tools/faqs/faq.cfm?id=86&t=1>
5. For case studies and conclusions about best practices, see The Role of Local Governments and Community Organizations As Energy Efficiency Implementation Partners: Case Studies and a Review of Trends (2012), [www.aceee.org/files/pdf/white-paper/Local-EE-Implementation.pdf](http://www.aceee.org/files/pdf/white-paper/Local-EE-Implementation.pdf)
6. See [www.pacenow.org](http://www.pacenow.org).
7. Information about the Energy Services Agreement is available at <http://www.nyceec.com/case> and [www.rockefellerfoundation.org/uploads/files/791d15ac-90e1-4998-8932-5379bcd654c9-building.pdf](http://www.rockefellerfoundation.org/uploads/files/791d15ac-90e1-4998-8932-5379bcd654c9-building.pdf).
8. New York City Local Law 84 Benchmarking Report, August 2012, available at [http://www.nyc.gov/html/gbee/downloads/pdf/nyc\\_ll84\\_benchmarking\\_report\\_2012.pdf](http://www.nyc.gov/html/gbee/downloads/pdf/nyc_ll84_benchmarking_report_2012.pdf).
9. See Stephen Lacey, ClimateProgress, "Which Are Cheaper? Tradeable Credits or Feed-in Tariffs?" (Oct. 26, 2011).
10. Katie Valentre, ClimateProgress, "U.S. Solar Jobs Grow By 13 Percent In 2012, Far Outpacing The Broader Economy" (Nov. 5, 2012).
11. See <http://gtechstrategies.org> and <http://youtu.be/ZRiguDgFB3Q>.

## DIVESTING FROM FOSSIL FUELS

1. Mayors Innovation Project, Divestment from Fossil Fuels: A Guide for City Officials and Activists (February 2014).
2. Sustainable Business, 10 Cities Divest from Fossil Fuel Investments (April 26, 2013).

3. See Larry Gordon, Pitzer College Selling Fossil Fuel Stocks in Environmental Move, Los Angeles Times (April 15, 2014).
4. Joel Connelly, Goldman Sachs Bails Out On Cherry Point Coal Port Builder, [seattlepi.com](http://seattlepi.com) (January 8, 2014).
5. Pilita Clark, FTSE Joins Blackrock to Help Investors Avoid Fossil Fuels, The Financial Times (April 28, 2014).
6. See Mayors Innovation Project Guide supra note 1.
7. Id.
8. 350.org, Seattle Mayor Orders City to Divest from Fossil Fuels (Dec. 22, 2012).
9. The Ann Arbor Chronicle, Ann Arbor Oks Fossil Fuel Divestment (Oct. 22, 2013).
10. Jay Carmona, Seaside Towns Lead on Divestment in MA, Fossil Free (May 14, 2013).
11. Treehugger, Is Massachusetts Going to Divest from Fossil Fuels? (June 5, 2014).
12. Office of the Mayor Tom Bates, Divesting from Publicly Traded Fossil Fuel Companies and Urging CalPERS to Divest its Holdings in Fossil Fuel Companies from Statewide Pension Investments (April 30, 2013).
13. id.; See Pitzer College supra note 6.
14. Laura Dudnick, SF State Joins Campaign to Divest Money from Fossil Fuels, The San Francisco Examiner (April 8, 2014).
15. Sarah Lane, Prince William County News in Brief, The Washington Post (June 16, 2014).
16. Divest-Invest Philanthropy: Frequently Asked Questions (available at <http://divestinvest.org/wp-content/uploads/2014/01/Divest-Invest-Philanthropy-FAQs-1.25.14.pdf>).
17. Center for American Progress Action Fund, Cities at Work: Progressive Local Policies to Rebuild the Middle Class (February 2014) (available at [http://cdn.americanprogress.org/wp-content/uploads/2014/01/COW\\_03InvestInGreen.pdf](http://cdn.americanprogress.org/wp-content/uploads/2014/01/COW_03InvestInGreen.pdf)).
18. See Mayors Innovation Project Guide supra note 1.

## EQUITABLE STRATEGIES FOR RENEWABLE ENERGY

1. [http://www.nytimes.com/2016/05/03/us/resetting-the-first-american-climate-refugees.html?\\_r=0](http://www.nytimes.com/2016/05/03/us/resetting-the-first-american-climate-refugees.html?_r=0)
2. <http://www.nepower.org/who-we-are/public-power/>
3. <http://communitypowernetwork.com/node/990>, <https://bouldercolorado.gov/energy-future>
4. <http://midwestenergynews.com/2014/10/17/minneapolis-utility-fight-ends-with-unique-clean-energy-deal/>
5. CCA is statutorily enabled in CA, IL, OH, MA, NJ, RI, and most recently, NY.
6. <http://www.leanenergyus.org/what-is-cca/>
7. [http://apps3.eere.energy.gov/greenpower/markets/community\\_choice.shtml](http://apps3.eere.energy.gov/greenpower/markets/community_choice.shtml)

8. <http://www.sustainablecitiesinstitute.org/cities/cleveland-ohio>
9. <http://www.capitalnewyork.com/article/albany/2015/02/8563054/state-approves-westchester-power-experiment>
10. A recent publication, "Community Microgrids: A Guide for Mayors and City Leaders," can provide local officials with more detailed information about creating and operating a microgrid. You can download the guide at <http://microgridknowledge.com/microgridknowledge-com-releases-guide-on-community-microgrids-for-mayors-and-city-leaders/>.
11. <http://w3.siemens.com/topics/global/en/sustainable-cities/resilience/pages/microgrid-infrastructure.aspx>
12. <http://www.clean-coalition.org/site/wp-content/uploads/2012/10/HPP-Benefits-Analysis-Summary-21-gt-26-Mar-2014.pdf>
13. <http://www.clean-coalition.org/site/wp-content/uploads/2012/10/HPP-Benefits-Analysis-Summary-21-gt-26-Mar-2014.pdf>

## FRACKING BANS AND MORATORIUMS

1. Earthworks, Hydraulic Fracturing 101.
2. "Oklahoma Has 300 Times More Earthquakes Now; Can We Blame Fracking Yet," Care2 (Jun 2014).
3. "How two small New York towns have shaken up the national fight over fracking," Washington Post (Jul 2014).
4. Hydraulic Fracturing / Fracking / Prohibition of Well Stimulation Activities, City of Los Angeles, March 2014.
5. Malewitz, Jim. "Abbot Signs Denton Fracking Bill"
6. Lister, Emily. "Fracking Hell," The Butler Scholarly Journal. 2013.
7. Phillips, Susan. "Burning Question: What Would Life Be Like Without the Halliburton Loophole?" NPR. 2011.

## FUNDING PUBLIC TRANSIT AND IMPROVING SERVICE

1. Snyder, Tanya. "Brookings: Transit Access to Jobs Is the Missing Link." Streetsblog. May 13, 2011. <https://usa.streetsblog.org/2011/05/13/brookings-transit-access-to-jobs-is-the-missing-link/>.
2. Sunshine, James. "The 10 U.S. Cities Set To See Their Populations Boom: Report." *Huffington Post*. August 8, 2012. [https://www.huffingtonpost.com/2012/08/08/america-fastest-growing-cities\\_n\\_1751549.html](https://www.huffingtonpost.com/2012/08/08/america-fastest-growing-cities_n_1751549.html).
3. Roman, Alex. "Passing Public Transportation Ballot Measures: What Works." *Metro Magazine*. February 6, 2017. <http://www.metro-magazine.com/government-issues/article/719854/passing-public-transportation-ballot-measures-what-works>.
4. Wise, David J. *Transit Agencies' Use of Contracting to Provide Service*. GAO-13-782. Washington DC: Government Accountability Office. September 2013.

5. Veolia Transportation. Service Delivery-Price Proposal to Washington Area Metropolitan Transit Authority. August 22, 2013.
6. Lindblom, Mike. "Discount fares for low-income bus riders will be offered." *The Seattle Times*. February 11, 2015. <https://www.seattletimes.com/seattle-news/discount-fares-for-low-income-bus-riders-will-be-offered/>.
7. "A year after launch, ORCA LIFT shows how transit can help confront income inequality." *King County Metro News*. March 7, 2016. <https://www.kingcounty.gov/elected/executive/constantine/news/release/2016/March/07-orca-lift-anniversary.aspx>.
8. Short, John Rennie. "Should U.S. Cities Use Congestion Pricing to Ease Traffic?" *Smithsonian Magazine*. February 8, 2018. <https://www.smithsonianmag.com/innovation/should-us-cities-use-congestion-pricing-to-ease-traffic-180968107/>.
9. Freund, Sara. "City rideshare fee to pay for \$179 million in CTA upgrades." *Curbed Chicago*. February 5, 2018. <https://chicago.curbed.com/2018/2/5/16973960/uber-lyft-fee-city-budget-cta-improvements>.

## LIVABLE CITIES

1. See The Congress for the New Urbanism, [http://www.cnu.org/who\\_we\\_are](http://www.cnu.org/who_we_are).
2. See Matthew Yglesias, *LA's Transit Revolution*, Slate (Sept. 17, 2012).
3. "Facts at a Glance: Where Public Transportation Goes Community Grows." 2016. Accessed June 15, 2016. <http://www.publictransportation.org/news/facts/Pages/default.asp>
4. Ibid.
5. See Smart Growth America, at <http://www.smartgrowthamerica.org/issues/transportation/>.
6. See Center for Transportation Excellence (Nov. 7, 2012 Press Release).
7. See *Dangerous By Design*, Transportation for America
8. Complete Streets Improve Safety for Everyone, [www.smartgrowthamerica.org/documents/cs/factsheets/cs-safety.pdf](http://www.smartgrowthamerica.org/documents/cs/factsheets/cs-safety.pdf).
9. See *The NYPD's Crash Investigation Problem*, Reclaim (Winter, 2012).
10. See Project for Public Spaces, Benchmark: Discovery Green, at [http://www.pps.org/wp-content/uploads/2011/08/discovery-green\\_benchmark\\_aug-2011.pdf](http://www.pps.org/wp-content/uploads/2011/08/discovery-green_benchmark_aug-2011.pdf).
11. See videos of these and many other vibrant public spaces at [www.streetfilms.org/category/public-space](http://www.streetfilms.org/category/public-space).

## ENDING WAGE THEFT

1. "Employers steal billions from workers' paychecks each year," Economic Policy Institute (2017).
2. "Santa Clara County Wage Theft Report," Santa Clara County Wage Theft Coalition (2014).

3. "Winning Wage Justice: An Advocate's Guide to State and City Policies to Fight Wage Theft," National Employment Law Project (2011).

## ENSURING A FAIR WORKWEEK: STABILITY AND OPPORTUNITY FOR HOURLY SERVICE WORKERS

1. Susan J. Lambert, Peter Fugiel, and Julia R. Henly, "Schedule Unpredictability among Young Adult Workers in the U.S. Labor Market: A National Snapshot," University of Chicago.
2. Daniel Schneider and Kristen Harknett, "Working in the Service Sector in Philadelphia," UC Berkeley Institute for Research on Labor and Employment, (December 2017) <https://shift.berkeley.edu/files/2018/01/Working-in-the-service-sector-in-Philadelphia.pdf>. [62% of surveyed retail & food service workers, and 74% of those working fewer than 30 hours per week, want to work more hours]; Daniel Schneider and Kristen Harknett, "Working in the Service Sector in Connecticut," UC Berkeley Institute for Research on Labor and Employment (March 2018), <https://shift.berkeley.edu/files/2018/03/Working-in-the-service-sector-in-Connecticut.pdf>. [58% of surveyed retail & food service workers, and 64% of those working fewer than 30 hours per week, want to work more hours]; UCLA Labor Center, "Hour Crisis: Unstable Schedules in the Los Angeles Retail Sector" (March 2018), <https://www.labor.ucla.edu/publication/hourcrisis-report/>. [48% of surveyed retail workers, and 59% of those working fewer than 35 hours per week, want to work more hours].
3. Joanna Smith-Ramani, David Mitchell, and Katherine Lucas Mckay, "Income Volatility: Why it Destabilizes Families and How Philanthropy Can Make a Difference," Aspen Institute, December 2017, <https://www.aspeninstitute.org/publications/income-volatility-destabilizes-families-philanthropy-can-make-difference/>, 12.
4. Human Impact Partners and Center for Popular Democracy, "Scheduling Away Our Health: How Unpredictable Work Hours Affect Health and Well-being," July 2016, [http://www.humanimpact.org/wp-content/uploads/Scheduling-Away-Our-Health\\_rev3.pdf](http://www.humanimpact.org/wp-content/uploads/Scheduling-Away-Our-Health_rev3.pdf), 3.
5. Dani Carrillo, Kristen Harknett, Allison Logan, Sigrid Luhr, and Daniel Schneider, "Instability of Work and Care: How Work Schedules Shape Child-Care Arrangements for Parents Working in the Service Sector," *Social Service Review*, 91, no. 3 (September 2017): 422-455, <https://www.journals.uchicago.edu/doi/abs/10.1086/693750>.
6. Susan J. Lambert, Peter J. Fugiel, Julia R. Henly, "The Realities Of Unpredictable Work Schedules For America's Hourly Employees," Scholars Strategy Network, March 25, 2016, <https://scholars.org/brief/realities-unpredictable-work-schedules-america-hourly-employees>.
7. "Paid Family and Medical Leave Family Leave: An Issue Whose Time Has Come" AEI and Brookings, May 2017, [https://www.brookings.edu/wpcontent/uploads/2017/06/es\\_20170606\\_paidfamilyleave.pdf](https://www.brookings.edu/wpcontent/uploads/2017/06/es_20170606_paidfamilyleave.pdf), 20.

8. Susan J. Lambert, Peter J. Fugiel, Julia R. Henly, "Precarious Work Schedules among Early-Career Employees in the US: A National Snapshot" Employment Instability, Family Well-being, and Social Policy Network at the University of Chicago (August 2014), <https://www.oregonlegislature.gov/dembrow/WGItemsscheduling/5-26%20University%20of%20Chicago%20Research%20Brief.pdf>, 7.
9. Joan C. Williams, Susan J. Lambert, Saravanan Kesavan, Peter J. Fugiel, Lori Ann Ospina, Erin Devorah Rapoport, Meghan Jarpe, Dylan Bellisle, Pradeep Pendem, Lisa McCorkell & Sarah Adler-Milstein, "Stable Scheduling Increases Productivity And Sales: The Stable Scheduling Study" (March 2018), <http://worklifelaw.org/publications/Stable-Scheduling-Study-Report.pdf>, 9.
10. Joan C. Williams, Susan J. Lambert, Saravanan Kesavan, Peter J. Fugiel, Lori Ann Ospina, Erin Devorah Rapoport, Meghan Jarpe, Dylan Bellisle, Pradeep Pendem, Lisa McCorkell & Sarah Adler-Milstein, "Stable Scheduling Increases Productivity And Sales: The Stable Scheduling Study" (March 2018), <http://worklifelaw.org/publications/Stable-Scheduling-Study-Report.pdf>, 9.
11. "A Fair Workweek: Good for Businesses and Workers," Center for Popular Democracy, March 2018, [https://s.bsd.net/popular/main/page/file/aa3223bd-54132cfd9\\_csm6bn8q7.pdf](https://s.bsd.net/popular/main/page/file/aa3223bd-54132cfd9_csm6bn8q7.pdf)

## ENSURING RACIAL EQUITY IN PUBLIC CONTRACTING

1. National Minority Supplier Development Council, <http://www.nmsdc.org/mbes/mbe-certification/>.
2. Oscar Perry Abello, "Cincinnati Hopes More Minority-Owned Businesses Will Get a Piece of City Projects," Next City, <https://nextcity.org/daily/entry/cincinnati-small-business-minority-owned-business>.
3. U.S. Department of Transportation, <https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/definition-disadvantaged-business-enterprise>
4. PolicyLink, "New Orleans Fast-Tracks Equitable Transit Investment," *America's Tomorrow*, June 6, 2013, <https://www.policylink.org/sites/default/files/americas-tomorrow-june62013.pdf>.
5. Fairlie, Robert W. and Alicia M. Robb, *Disparities in Capital Access between Minority and Non-Minority-Owned Businesses: The Troubling Reality of Capital Limitations Faced by MBEs*, Minority Business Development Agency, <http://www.mbda.gov/sites/default/files/DisparitiesinCapitalAccessReport.pdf>.
6. This includes states under the jurisdiction of the Ninth Circuit Court of Appeals (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington).
7. See: <http://racialequityalliance.org/category/contracting-equity/>.

## ESTABLISHING PARTNERSHIPS TO IMPROVE ENFORCEMENT OF WORKPLACE STANDARDS

1. Annette Bernhardt et al, "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities," <https://www.nelp.org/wp-content/uploads/2015/03/BrokenLawsReport2009.pdf>, 5.
2. David Madland and Alex Rowell, "How State and Local Governments can Strengthen Worker Power and Raise Wages," Center for American Progress, May 2, 2017, <https://www.americanprogressaction.org/issues/economy/reports/2017/05/02/166640/state-local-governments-can-strengthen-worker-power-raise-wages/>.
3. Janice Fine and Jennifer Gordon, "Strengthening Labor Standards Enforcement through Partnerships with Workers' Organizations," *Politics & Society* 38 (4), 2010, <https://journals.sagepub.com/doi/10.1177/0032329210381240>, 552-582; Janice Fine "Co-Production: Bringing Together the Unique Capabilities of Government and Society for Stronger Labor Standards Enforcement," Northampton, MA: the LIFT Fund, 2015, [http://theliftfund.org/wp-content/uploads/2015/09/LIFTReportCoproductio-Oct\\_ExecSumm-rf\\_4.pdf](http://theliftfund.org/wp-content/uploads/2015/09/LIFTReportCoproductio-Oct_ExecSumm-rf_4.pdf).
4. David Madland and Alex Rowell, "How State and Local Governments can Strengthen Worker Power and Raise Wages."
5. Ibid.
6. "Ensuring Equality for All Californians in the Workplace: The Case for Local Enforcement of Anti-Discrimination Laws," The Los Angeles Black Worker Center and the National Employment Law Project, October 4, 2017, <https://www.nelp.org/publication/the-case-for-local-enforcement-of-anti-discrimination-laws-in-ca/>.
7. Diego Rondón Ichikawa and Rebecca Smith, "Delivering \$15: Community-Center Wage and Hour Enforcement in Seattle," National Employment Law Project, October 2014, <https://www.nelp.org/wp-content/uploads/2015/01/Delivering-15-Community-Centered-Wage-and-Hour-Enforcement-Seattle.pdf>, 13.
8. Ibid, 14,
9. "Ensuring Equality for All Californians in the Workplace: The Case for Local Enforcement of Anti-Discrimination Laws,"
10. Seema N. Patel and Catherine L. Fisk, "California Co-Enforcement Initiatives that Facilitate Worker Organizing," *Berkeley Law*, November 2017, [https://works.bepress.com/seema\\_patel/1/](https://works.bepress.com/seema_patel/1/).
11. Seema N. Patel and Catherine L. Fisk, "California Co-Enforcement Initiatives that Facilitate Worker Organizing."
12. "History and Progress in the Making," City of Seattle Office of Labor Standards, January 18, 2018, [https://www.seattle.gov/Documents/Departments/LaborStandards/OLS%20Presentation\\_01-30-18%20Summary%20of%20Seattle%20Labor%20Standards.pptx](https://www.seattle.gov/Documents/Departments/LaborStandards/OLS%20Presentation_01-30-18%20Summary%20of%20Seattle%20Labor%20Standards.pptx), 10.

13. Ibid.
14. Ibid, 11.
15. Ibid, 20.
16. Seema N. Patel and Catherine L. Fisk, "California Co-Enforcement Initiatives that Facilitate Worker Organizing."

## EXPANDING COLLECTIVE BARGAINING TO BUILD WORKER POWER

1. <https://www.americanprogressaction.org/issues/economy/reports/2017/05/02/166640/state-local-governments-can-strengthen-worker-power-raise-wages/#fn-166640-2>
2. Ibid.
3. <https://www.americanprogressaction.org/issues/economy/reports/2016/06/09/139074/unions-help-the-middle-class-no-matter-the-measure/>.
4. Ibid.
5. <https://news.gallup.com/poll/241679/labor-union-approval-steady-year-high.aspx>
6. <https://www.pbs.org/newshour/nation/a-growing-number-of-americans-want-to-join-a-union>
7. Ibid.
8. Bruce Western and Jake Rosenfeld, "Unions, Norms, and the Rise in U.S. Wage Inequality," *American Sociological Review* 76 (4) (2011): 513-537, available at <http://journals.sagepub.com/doi/10.1177/0003122411414817>.
9. <https://scholars.org/brief/how-decline-unions-has-increased-racial-inequality>
10. <https://www.epi.org/publication/union-decline-lowers-wages-of-nonunion-workers-the-overlooked-reason-why-wages-are-stuck-and-inequality-is-growing/>
11. <https://www.labor.ny.gov/workerprotection/laborstandards/wageboard2015.shtm>
12. <https://www.labor.ny.gov/workerprotection/laborstandards/pdfs/Fast-Food-Wage-Board-Report.pdf>
13. <http://seattle.legistar.com/LegislationDetail.aspx?ID=3532201&GUID=232AE887-44C6-4450-A040-84225AD4F11D&FullText=1>
14. <https://www.seattle.gov/laborstandards/ordinances/domestic-workers-ordinance>
15. <https://www.nelp.org/blog/seattle-passes-historic-domestic-worker-bill-of-rights/>
16. <https://www.seattle.gov/domestic-workers-standards-board/who-we-are>
17. <https://www.seattle.gov/laborstandards/ordinances/domestic-workers-ordinance>
18. <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=2473517&GUID=B56290F9-059C-4C1E-95B6-654E9CD6242B&Options=&Search=>
19. [http://apps.pittsburghpa.gov/district9/FINAL.Report\\_of\\_the\\_Wage\\_Review\\_Committee\\_12082015\\_%281%29\\_%281%29\\_%281%29.pdf](http://apps.pittsburghpa.gov/district9/FINAL.Report_of_the_Wage_Review_Committee_12082015_%281%29_%281%29_%281%29.pdf)

20. <https://www.post-gazette.com/local/city/2015/12/09/Pittsburgh-councilman-calls-UPMC-s-wages-national-disgrace/stories/201512090095>
21. [http://apps.pittsburghpa.gov/district9/FINAL.Report\\_of\\_the\\_Wage\\_Review\\_Committee\\_12082015\\_%281%29\\_%281%29\\_%281%29.pdf](http://apps.pittsburghpa.gov/district9/FINAL.Report_of_the_Wage_Review_Committee_12082015_%281%29_%281%29_%281%29.pdf)
22. <https://archive.triblive.com/local/alleghe-ny/14146939-74/pittsburghs-upmc-hospital-workers-demand-right-to-form-a-union>

## FAIR-CHANCE HIRING FOR WORKERS WITH CRIMINAL RECORDS

1. "Faulty FBI Background Checks for Employment: Correcting FBI Records is Key to Criminal Justice Reform," National Employment Law Project, December 8, 2015, <http://www.nelp.org/publication/faulty-fbi-background-checks-for-employment/>.
2. Binyamin Applebaum, "The Vanishing Male Worker: How America Fell Behind," *The New York Times*, December 11, 2014, <https://www.nytimes.com/2014/12/12/upshot/unemployment-the-vanishing-male-worker-how-america-fell-behind.html>.
3. Devah Pager, "The Mark of a Criminal Record," 108 *Am. J. Soc.* 937, 960 (2003), <https://scholar.harvard.edu/pager/publications/mark-criminal-record>.
4. Devah Pager, et al., "Discrimination on a Low-Wage Labor Market: A Field Experiment," *Am. Soc. Rev.* 74(5): 777-799 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2915472/>.
5. Anastasia Christman and Michelle Natividad Rodriguez, "Research Supports Fair Chance Policies," National Employment Law Project, August 2016, <http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf>, 3.
6. Scott H. Decker, et al., "Criminal Stigma, Race, Gender & Employment," January 2014, <https://www.ncjrs.gov/pdffiles1/nij/grants/244756.pdf>, 56-57.
7. Rebecca Vallas, et al., "Removing Barriers to Opportunity for Parents with Criminal Records and Their Children," Center for American Progress, December 2015, <https://cdn.americanprogress.org/wp-content/uploads/2015/12/09060720/Criminal-Records-report2.pdf>, 1.
8. Cherrie Bucknor & Alan Barber, "The Price We Pay," Center for Economic & Policy Research, June 2016, <http://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf?v=5,13>.
9. "Research Supports Fair Chance Policies," National Employment Law Project.
10. Michelle Natividad Rodriguez, "'Ban the Box' is a Fair Chance for Workers with Records," National Employment Law Project, August 2017, <http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-Fact-Sheet.pdf>, 1.
11. "Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII," U.S. Equal Employment Opportunity Commission, No. 915-002 (2012), [https://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm).



12. Daryl Atkinson and Kathleen Lockwood, "The Benefits of Ban the Box: A Case Study of Durham, NC," The Southern Coalition for Social Justice, October 2014, [http://www.southerncoalition.org/wp-content/uploads/2014/10/BantheBox\\_WhitePaper.pdf](http://www.southerncoalition.org/wp-content/uploads/2014/10/BantheBox_WhitePaper.pdf).
13. Letter from City Council Member Elizabeth Glidden with Attachment of City of Minneapolis Conviction History Summary (2004-2008) YTD (March 16, 2009).
14. Stewart J. D'Allesio, et al., "The Effect of Hawaii's Ban the Box Law on Repeat Offending," *Am. J. Criminal Justice* 40 (2015), <https://slideheaven.com/the-effect-of-hawaiis-ban-the-box-law-on-repeat-offending.html>, 336.
15. Beth Avery and Phil Hernandez, "Ban the Box: U.S. Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People with Past Convictions," National Employment Law Project, April 2018, <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>.
16. "FACT SHEET: White House Launches the Fair Chance Business Pledge," The White House, April 11, 2016, (Apr. 11, April 11, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/04/11/fact-sheet-white-house-launches-fair-chance-business-pledge>).
17. Jay-Anne B. Casuga and Michael Rose, "Are State Workplace Preemption Laws on the Rise?" *Bloomberg News*, July 19, 2016, <https://www.bna.com/state-workplace-preemption-n73014444995/>.
18. Ind. Code § 22-2-17; Miss. Code Ann. § 17-25-33.
19. Michelle Natividad Rodriguez, "'Ban the Box' is a Fair Chance for Workers with Records," National Employment Law Project, August 2017, <http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-Fact-Sheet.pdf>.
20. "Language Letter Campaign," Center for NuLeadership on Urban Solutions, Accessed June 6, 2018, <https://www.nuleadership.org/language-letter-campaign/>.
21. Michelle Natividad Rodriguez, "A Key Fair-Chance Hiring Best Practice: Delaying Conviction Inquiries Until the Conditional Job Offer," National Employment Law Project, September 2015, <http://www.nelp.org/content/uploads/Fair-Chance-Conditional-Offer.pdf>.
22. Beth Avery and Phil Hernandez, "Ban the Box: U.S. Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People with Past Convictions," National Employment Law Project, April 20, 2018, <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>.
23. *Ibid.*
24. Michelle Natividad Rodriguez and Zoe Polk, "Best Practices in Fair-Chance Enforcement," National Employment Law Project, June 2015, <http://www.nelp.org/content/uploads/Best-Practices-Fair-Chance-Enforcement.pdf>, 1.
25. "Ensuring People with Convictions have a Fair Chance to Work," National Employment Law Project, Accessed June 6, 2018, <http://www.nelp.org/campaign/ensuring-fair-chance-to-work/>.
26. "Ban the Box: U.S. Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People with Past Convictions," National Employment Law Project.
27. Michelle Natividad Rodriguez and Anastasia Christman, "The Fair Chance / Ban the Box Toolkit," National Employment Law Project, April 2015, <http://www.nelp.org/publication/the-fair-chance-ban-the-box-toolkit/>.
28. "Ban the Box Campaign," Legal Services for Prisoners with Children, Accessed June 6, 2018, <http://www.prisonerswithchildren.org/our-projects/all-of-us-or-none/ban-the-box-campaign/>.

## LIVING WAGE ORDINANCES

1. United States Census Bureau, Income, Poverty, and Health Insurance Coverage in the United States: 2014. <<http://www.census.gov/newsroom/press-releases/2015/cb15-157.html>>
2. The Partnership for Working Families, <http://www.forworkingfamilies.org/resources/policy-tools-living-wage>
3. Jeff Chapman and Jeff Thompson, The Economic Impact of Local Living Wage Laws, Economic Policy Institute (2006) at [www.epi.org/publication/bp170/](http://www.epi.org/publication/bp170/).
4. *Id.*
5. Findell, Elizabeth. "In Our Own Backyard: Confronting Growth and Disparities in American Jails." City Hall Blog. November 10, 2015. Accessed June 14, 2016. <<http://www.vera.org/sites/default/files/resources/downloads/incarceration-trends-in-our-own-backyard.pdf>>
6. See Local Living Wage Laws and Coverage, [www.nelp.org/page/Justice/2011/LocalLWLawsCoverageFINAL.pdf?nocdn=1](http://www.nelp.org/page/Justice/2011/LocalLWLawsCoverageFINAL.pdf?nocdn=1)
7. Jeff Chapman and Jeff Thompson, The Economic Impact of Local Living Wage Laws, Economic Policy Institute (2006) at [www.epi.org/publication/bp170/](http://www.epi.org/publication/bp170/).

## LOCAL AND TARGETED HIRING

1. Bertrand, Marianne, and Sendhil Mullainathan. 2004. "Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination." *The American Economic Review* 94(4): 991-1013. Devah Pager. 2003. "The Mark of a Criminal Record." *American Journal of Sociology*, Vol. 108, No 5.
2. Kathleen Mulligan-Hansel, *Making Development Work for Local Residents: Local Hire Programs and Implementation Strategies that Serve Low-Income Communities*, The Partnership for Working Families, <http://www.forworkingfamilies.org/sites/pwf/files/publications/0708-MakingDevelopmentWorkForLocalResidents.pdf>.
3. UCLA Labor Center, *Exploring Targeted Hire: An Assessment of Best Practices in the Construction Industry*, <http://www.seattle.gov/contracting/docs/labor/TargetedHire.pdf>.

## PAID SICK LEAVE

1. "Sick and Fired: Why We Need Earned Sick Days to Boost the Economy," Family Values at Work, 2011, <http://familyvaluesatwork.org/wp-content/uploads/2011/10/Sick-and-Fired-Online-Booklet.pdf>.
2. "Working While Sick," *New York Times*, August 4, 2012, <https://www.nytimes.com/2012/08/05/opinion/sunday/working-while-sick.html>.
3. "Paid Sick Leave and Nonfatal Occupational Injuries," *American Journal of Public Health*, September 2012, <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2011.300482>.
4. Jody Heymann, Hye Jin Rho, John Schmitt, and Alison Earle, "Contagion Nation: A Comparison of Paid Sick Day Policies in 22 Countries," Center for Economic and Policy Research, May 2009, <http://cepr.net/documents/publications/paid-sick-days-2009-05.pdf>.
5. *Ibid.*
6. "H.R. 1876—112th Congress: Healthy Families Act," [www.govtrack.us/congress/bills/112/hr1876](http://www.govtrack.us/congress/bills/112/hr1876).
7. For a detailed evaluation of the impact of the ordinance in San Francisco, see: Robert Drago and Vicky Lovell, "San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees," Institute for Women's Policy Research, February 2011, [http://www.working-families.org/network/pdf/SF\\_Report\\_PaidSickDays.pdf](http://www.working-families.org/network/pdf/SF_Report_PaidSickDays.pdf).
8. "Paid Sick Time Legislative Successes," A Better Balance, Updated May 2, 2018, <https://www.abetterbalance.org/resources/paid-sick-time-legislative-successes/>.
9. For a list of active campaigns, see: "In Your State," Family Values at Work, Accessed May 9, 2018, <http://familyvaluesatwork.org/states>.
10. "Seattle Mayor Mike McGinn Signs Landmark Paid Sick Days Legislation," Economic Opportunity Institute, September 23, 2011, <http://www.eoionline.org/blog/seattle-mayor-mike-mcginn-signs-landmark-paid-sick-days-legislation/>.

11. Robert Drago and Vicky Lovell, “San Francisco’s Paid Sick Leave Ordinance,” 1.

## PROHIBITING JOB DISCRIMINATION BASED ON CREDIT HISTORY

1. Board of Governors of the Federal Reserve System, “Report to the Congress on Credit Scoring and Its Effects on the Availability and Affordability of Credit,” 2007; Federal Trade Commission, “Credit-Based Insurance Scores: Impacts on Consumers of Automobile Insurance,” 2007; Avery, Calem, and Canner, “Credit Report Accuracy and Access to Credit,” Federal Reserve Bulletin, 2004.
2. Angela Littwin, “Coerced Debt: The Role of Consumer Credit in Domestic Violence,” California Law Review, 2012.
3. See Amy Traub, “Credit Reports and Employment: Findings from the 2012 National Survey on Credit Card Debt of Low- and Middle-Income Households,” Suffolk University Law Review, Vol. 46, No. 3, Summer 2013.
4. “Background Checking—The Use of Credit Background Checks in Hiring Decisions” Society of Human Resources Management, July 19, 2012.
5. Amy Traub, “Discredited: How Employment Credit Checks Keep Qualified Workers out of a Job,” Demos, 2013.

## PROTECTING WORKERS IN THE ON-DEMAND ECONOMY

1. Elizabeth Kennedy, “Freedom from Independence: Collective Bargaining
2. Rights for Dependent Contractors,” Berkeley Journal of Employment and Labor Law, April 2014.
3. <http://www.nelp.org/content/uploads/Rights-On-Demand-Report.pdf>
4. <http://localprogress.org/wp-content/uploads/2013/09/Wage-Theft.pdf>
5. <https://www.freelancersunion.org/advocacy/>

## COMMUNITY SCHOOLS

1. Suits, Steve. *A New Majority Research Bulletin: Low Income Students Now a Majority in the Nation’s Public Schools*. Southern Education Foundation. (2015). < <http://www.southerneducation.org/Our-Strategies/Research-and-Publications/New-Majority-Diverse-Majority-Report-Series/A-New-Majority-2015-Update-Low-Income-Students-Now>>
2. Frankl, Evie et al. Center for Popular Democracy. Community Schools: Transforming Struggling Schools into Thriving Schools. February 2016. <https://populardemocracy.org/news/publications/community-schools-transforming-struggling-schools-thriving-schools>
3. Ibid.

## COMPREHENSIVE SEX EDUCATION

1. See McKay, A., & Barrett, M. (2010). Trends in teen pregnancy rates from 1996-2006: A comparison of Canada, Sweden, USA, and England/Wales. Canadian Journal of Human Sexuality, 19 and “Adolescent Sexual Health in Europe and the United States: The Case For a Rights. Respect. Responsibility. Approach”, Advocates for Youth.
2. “Emerging Answers 2007: Research Findings on Programs to Reduce Teen Pregnancy and Sexually Transmitted Diseases”, The National Campaign to Prevent Teen and Unplanned Pregnancy
3. Ibid.
4. “State Policies in Brief: Sex and HIV Education”, Guttmacher Institute
5. Akila Johnson, “Teens ask for more sex ed, greater condom availability”, The Boston Globe
6. Tempe Union High School District Governing Board Meeting, May 7, 2014 7. Chicago Public Schools Policy 704.6, Sexual Health Education
7. Chicago Public Schools Policy 704.6, Sexual Health Education
8. Keeton, V., Soleimanpour, S., & Brindis, C. D. (2012). School-Based Health Centers in an Era of Health Care Reform: Building on History. Current Problems in Pediatric and Adolescent Health Care, 42(6), 132–158.
9. Anemona Hartocollis and Michaelle Bond. “Ready Access to Plan B Pills in City Schools.” The New York Times. July 11, 2013.
10. “Health Start School-Based Clinics / Cuidados de Salud Situados en Escuelas.”
11. “Comprehensive Sex Education Evaluation Report: Cuyahoga County Board of Health Teen Wellness Initiative, 2012-2013 School Year.” Cuyahoga County Board of Health Teen Wellness Initiative
12. “Adolescent and School Health: Health Education Curriculum Analysis Tool (HECAT)”, Centers for Disease Control and Prevention
13. Policy 5315, Family Life and Human Sexuality
14. “School Based Health Centers.” Baltimore City Health Department.
15. A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding health education. Int. No. 952-A.
16. “Sexual Health Education Toolkit: Guidelines and Resources for Implementing Chicago Public Schools Sexual Health Education Policy.”
17. “Multnomah County Program #40025—Adolescent Health Promotion”
18. “Out4Good”, Minneapolis Public Schools
19. Regular Meeting of the Austin City Council, September 30, 2010
20. “Zelda Guide: Health Services for Philadelphia Youth.”

## ESSA IMPLEMENTATION

1. Sustainable community schools is a proven strategy for increasing equity and school success with six pillars: leadership, culturally diverse and rigorous curriculum, positive culture and discipline practices, transformative parent and community engagement, less teaching to the test, and social, emotional, and physical supports.
2. The bottom 5% of Title I schools, add high schools with lower than 67% grad rates and lowest subgroup schools
3. <http://www.nea.org/home/60856.htm>
4. <https://eia.memberclicks.net/essa-reauthorization>

## STRENGTHENING OUR PUBLIC SCHOOLS

1. Alliance for Excellent Education. *Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings*. September 2013. <http://all4ed.org/reports-factsheets/saving-futures-saving-dollars-the-impact-of-education-on-crime-reduction-and-earnings-2/>
2. *ESSA Implementation Begins*. National Education Association. 2015. Accessed June 26, 2016. <http://www.nea.org/essabegins>
3. Annenberg Institute for School Reform. *Public Accountability for Charter Schools: Standards and Policy Recommendations for Effective Oversight*. 2014. <http://annenberginstitute.org/sites/default/files/CharterAccountabilityStds.pdf>
4. Frankl, Evie et al. Center for Popular Democracy. Community Schools: Transforming Struggling Schools into Thriving Schools. February 2016. <https://populardemocracy.org/news/publications/community-schools-transforming-struggling-schools-thriving-schools>

## ARTISAN ZONING

1. Brey, J. (2015, March 9). Zoning code changes would help guide redevelopment of former industrial sites. In *Plan Philly*.
2. Bill No. 150168. Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by revising certain provisions relating to IRMX, Industrial Residential Mixed Use district.
3. Nonprofit Real Estate Development Toolkit: Stable, Affordable Space for Manufacturing, provided by the Urban Manufacturing Alliance.
4. Consolidated Zoning & Subdivision Ordinance for Indianapolis-Marion County. <http://www.indy.gov/eGov/City/DMD/Current/zoning/Pages/municode.aspx>
5. Memorandum on city-level artisan zoning examples in U.S. prepared by Albany Law School Community Development Clinic for UMA.
6. Schattauer, E. (2013, November 19). Bozeman giving green light to artisan manufacturing. In *Bozeman Daily Chronicle*.



## COMMUNITY BENEFITS

1. “Community Benefits Ordinance,” City of Detroit, November 2016, <http://detroitmi.gov/Government/Departments-and-Agencies/Planning-and-Development-Department/Community-Benefits-Ordinance>.
2. “Common Challenges in Negotiating Community Benefit Agreements and How to Avoid Them,” Partnership for Working Families and Community Benefits Law Center, January 2016, <http://www.forworkingfamilies.org/sites/pwf/files/publications/Effective%20CBAs.pdf>.
3. “An Open Letter to Amazon CEO Jeff Bezos,” October 17, 2017, <https://ourhq2wishlist.org/>.
4. “Policy & Tools: Community Benefits Toolkit,” Partnership for Working Families, Accessed June 7, 2018, <http://www.forworkingfamilies.org/resources/policy-tools-community-benefits-agreements-and-policies>.
5. Benjamin Beach, “Delivering Community Benefits Through Economic Development: A Guide for Elected and Appointed Officials,” The Partnership for Working Families, December 2014, <http://www.forworkingfamilies.org/resources/publications/cba-elected-officials>.
6. “Community Benefits Agreements,” Good Jobs First, Accessed June 7, 2018, <https://www.goodjobsfirst.org/tags/community-benefits-agreements>.

## EQUITABLE ACCESS TO CAPITAL FOR URBAN MANUFACTURERS

1. “Small Business Profile.” SBA Office of Advocacy. Accessed May, 2018. [https://www.sba.gov/sites/default/files/advocacy/United\\_States\\_1.pdf](https://www.sba.gov/sites/default/files/advocacy/United_States_1.pdf).
2. “Capital Access Models.” Research prepared for Urban Manufacturing Alliance by Albany Law School Community Development Clinic. Accessed April 4, 2018. <http://www.albanylaw.edu/centers/clinic-and-justice-center/clinics/community-development>.
3. Data for 16 U.S. cities is from MIT Living Wage Calculator. 2015. <http://livingwage.mit.edu/>; Average Wages data is from MIT Living Wage Calculator. 2015. <http://livingwage.mit.edu/>; Average Wages, Manufacturing, Quarterly Census of Employment and Wages 2014. [www.bls.gov](http://www.bls.gov); County Business Patterns 2014. <https://www.census.gov/programs-surveys/cbp.html>.
4. State of Urban Manufacturing Principal Research. Urban Manufacturing Alliance. Accessed April, 2018. <https://www.urbanmfg.org/project/state-of-urban-manufacturing/>.
5. State of Urban Manufacturing Principal Research. Urban Manufacturing Alliance. Accessed April, 2018. <https://www.urbanmfg.org/project/state-of-urban-manufacturing/>.
6. “An Urban Revival: How Land Use Tools and Real Estate Strategies are Fueling the Resurgence of Light Manufacturing in Greater Boston.” Urban Manufacturing Alliance. Accessed April, 2018. <https://www.urbanmfg.org/wp-content/uploads/2018/01/Mass-Development-Report-Medium.pdf>

7. “Capital Access Models.” Research prepared for Urban Manufacturing Alliance by Albany Law School Community Development Clinic. Accessed April 4, 2018. <http://www.albanylaw.edu/centers/clinic-and-justice-center/clinics/community-development>; State of Urban Manufacturing Principal Research. Urban Manufacturing Alliance. Accessed April, 2018. <https://www.urbanmfg.org/project/state-of-urban-manufacturing/>.
8. “What is the average APR on a credit card?” Credit Karma Inc. Accessed April, 2018. <https://www.creditkarma.com/credit-cards/i/average-apr-on-credit-card/>.
9. Community Economic Development Fund. Accessed April, 2018. <https://www.cedf.com/loans/>; “Capital Access Models.” Research prepared for Urban Manufacturing Alliance by Albany Law School Community Development Clinic. Accessed April 4, 2018. <http://www.albanylaw.edu/centers/clinic-and-justice-center/clinics/community-development>.
10. Philadelphia Industrial Development Corporation. Accessed April 2018. <http://www.pidcphila.com/financing/>; “Urban Manufacturing: Capital Access Models,” Albany Law School Community Development Clinic. Accessed April 4, 2018. <http://www.albanylaw.edu/centers/clinic-and-justice-center/clinics/community-development>
11. KIVA Rochester Crowdfunded Loans. City of Rochester. Accessed April, 2018. <http://www.cityofrochester.gov/Kiva/>.
12. “Capital Access Models.” Research prepared for Urban Manufacturing Alliance by Albany Law School Community Development Clinic. Accessed April 4, 2018. <http://www.albanylaw.edu/centers/clinic-and-justice-center/clinics/community-development>.

## SMALL BUSINESS SUPPORT

1. “Key Studies: Why Local Matters,” Institute for Local Self Reliance, Dec. 22, 2011.
2. U.S. Economic Census.
3. “Declining Business Dynamism in the United States: A Look at States and Metros,” Brookings, 2014.
4. “Blame the Banks for All Those Boring Chain Stores Ruining Your City,” Patrick Clark, *Bloomberg*, Sept. 2016.
5. *2016 Independent Business Survey*, Institute for Local Self Reliance, Feb. 10, 2016.
6. “Older, Smaller, Better: Measuring how the character of buildings and blocks influences urban vitality.” *Preservation Green Lab and National Trust for Historic Preservation Lab*, May 2014.
7. “Formula Business Restrictions,” Institute for Local Self-Reliance, Dec. 1, 2008.
8. “Shortchanging Small Business,” Greg LeRoy et al., *Good Jobs First*, Oct. 2015.
9. “An Assessment of the Effectiveness and Fiscal Impacts of the Use of Local Development Incentives in the St. Louis Region,” *East-West Gateway Council of Governments*, Jan. 2011.

10. “Key Studies: Why Local Matters,” Institute for Local Self Reliance, Dec. 22, 2011.
11. *How Rising Commercial Rents are Threatening Independent Businesses, and What Cities Are Doing About It*, Institute for Local Self Reliance, April 20, 2016.
12. *Monopoly Power and the Decline of Small Business: The Case for Restoring America’s Once Robust Antitrust Policies*, Institute for Local Self Reliance, Aug. 10, 2016.
13. “Access to Capital for Local Businesses,” Institute for Local Self Reliance, April 15, 2014.
14. “How San Francisco is Dealing with Chains,” Institute for Local Self Reliance, Aug. 30, 2012.
15. “Procurement Can Be a Powerful Tool for Local Economics, but Takes More than a Policy Change to Work,” Institute for Local Self Reliance, Aug. 27, 2015.

## FIGHTING BACK AGAINST FORCED ARBITRATION

1. Cynthia Estlund, “The Black Hole of Mandatory Arbitration,” *North Carolina Law Review*, Vol. 96, 2018; NYU School of Law, Public Law Research Paper No. 18-07.
2. Alexander J.S. Colvin, “The Growing Use of Mandatory Arbitration”; “Justice for Sale: How Corporations Use Forced Arbitration to Exploit Working Families,” The Center for Popular Democracy, May 2017, [https://populardemocracy.org/sites/default/files/Forced-Arbitration\\_web%20%283%29\\_0.pdf, 8](https://populardemocracy.org/sites/default/files/Forced-Arbitration_web%20%283%29_0.pdf, 8).
3. Alexander J.S. Colvin, “The Growing Use of Mandatory Arbitration,” *Economic Policy Institute*, April 6, 2018, <https://www.epi.org/publication/the-growing-use-of-mandatory-arbitration-access-to-the-courts-is-now-barred-for-more-than-60-million-american-workers/>; “Arbitration Study: Report to Congress, Consumer Fin. Protection Bureau, March 2015, §14, [http://files.consumerfinance.gov/f/201503\\_cfpb-arbitration-study-report-to-congress-2015.pdf](http://files.consumerfinance.gov/f/201503_cfpb-arbitration-study-report-to-congress-2015.pdf).

## FOOD PROCUREMENT POLICIES AND PROGRAMS

1. Food Chain Workers Alliance and Solidarity Research Cooperative. November 2016. “*No Piece of the Pie: US Workers in 2016*.” Accessed May 30, 2018. [http://foodchainworkers.org/wp-content/uploads/2011/05/FCWA\\_NoPieceOfThePie\\_P.pdf](http://foodchainworkers.org/wp-content/uploads/2011/05/FCWA_NoPieceOfThePie_P.pdf).
2. Ibid.
3. Ibid.
4. Ibid.
5. Lo, J., & Delwiche, A. 2016. “The Good Food Purchasing Policy: A tool to intertwine worker justice with a sustainable food system.” *Journal of Agriculture, Food Systems, and Community Development*. Advance online publication. <http://dx.doi.org/10.5304/jafscd.2016.062.016>

## MAKING JOB SUBSIDIES TRANSPARENT TO ENABLE PARTICIPATORY ECONOMIC DEVELOPMENT

1. For a review of subsidy data that is available, see Good Jobs First's Subsidy Tracker, available at <https://www.goodjobsfirst.org/subsidy-tracker>; Kasia Tarczynska, "Show Us the Local Subsidies: A Second Evaluation of City and County Online Disclosure Practices of Economic Development Subsidy Programs", Good Jobs First, March 2017 <https://www.goodjobsfirst.org/sites/default/files/docs/pdf/showusthelocalsubsidies2.pdf>
2. Kasia Tarczynska, "Show Us the Local Subsidies: A Second Evaluation of City and County Online Disclosure Practices of Economic Development Subsidy Programs", Good Jobs First, March 2017, p 9 <https://www.goodjobsfirst.org/sites/default/files/docs/pdf/showusthelocalsubsidies2.pdf>
3. Governmental Accounting Standards Series, "Statement No. 77 of the Governmental Accounting Standards Board," No. 353, August 2015. [https://www.gasb.org/jsp/GASB/Document\\_C/Document-Page?cid=1176166283745&acceptedDisclaimer=true](https://www.gasb.org/jsp/GASB/Document_C/Document-Page?cid=1176166283745&acceptedDisclaimer=true); Good Jobs First has created a resource page to facilitate use of the disclosures required under GASB Statement 77 including: a subsidy tracker that captures GASB 77 data, [https://www.goodjobsfirst.org/subsidy-tracker-2#/. The full resource page is available at: <http://www.goodjobsfirst.org/gasb>](https://www.goodjobsfirst.org/subsidy-tracker-2#/)
4. Model Economic Development Accountability legislation is available at: [http://www.goodjobsfirst.org/sites/default/files/docs/pdf/GJF\\_modelComplete.pdf](http://www.goodjobsfirst.org/sites/default/files/docs/pdf/GJF_modelComplete.pdf)

## RACIAL EQUITY IN OUR CITIES

1. Nelson, Julie. "Racial Equity Toolkit: An Opportunity to Operationalize Equity." Racial Equity Alliance. September 2015. Accessed June 12, 2016.
2. Nelson, Julie. "Project PEACE: City of Tacoma, WA Police Department Partnering for Equity and Community Engagement." Local and Regional Government Alliance on Race and Equity. Accessed June 12, 2016.
3. Brooks, Lisa. "Minimum Qualifications: Best Practices in Recruitment and Selection Advancing Racial Equity in Multnomah County." Local and Regional Government Alliance on Race and Equity. Accessed June 12, 2016.
4. Nelson, Julie. "City of Dubuque, IA. Partnering to Develop a Community Equity Profile and Scorecard." Local and Regional Government Alliance on Race and Equity. Accessed June 12, 2016.
5. Nelson, Julie. "The Job Assistance Ordinance: Expanding Opportunity for Workers in Seattle." Local and Regional Government Alliance on Race and Equity. Accessed June 12, 2016.
6. Brooks, Lisa. "City of Madison Elections, Poll Workers and Racial Equity, a Winning Combination." Local and Regional Government Alliance on Race and Equity. Accessed June 12, 2016.

7. Government Alliance on Race and Equity, *Accelerating Racial Equity in Cities: Emerging Insights*.

## RESPONSIBLE BANKING AND ACCESS TO CREDIT

1. According to the Federal Reserve, home purchase originations declined from 6.7 million in 2006 to 3.2 million in 2014, Table 1, page 32, see The 2014 Home Mortgage Disclosure Act Data by Neil Bhutta, Jack Popper, and Daniel R. Ringo via [http://www.federalreserve.gov/pubs/bulletin/2015/pdf/2014\\_HMDA.pdf](http://www.federalreserve.gov/pubs/bulletin/2015/pdf/2014_HMDA.pdf).
2. Bhutta, et al, Table 2, page 33.
3. See NCRC, Home Mortgage and Small Business Lending in Baltimore and Surrounding Areas, [http://www.ncrc.org/images/ncrc\\_baltimore\\_lending\\_analysis\\_web.pdf](http://www.ncrc.org/images/ncrc_baltimore_lending_analysis_web.pdf)
4. Banks with assets above \$250 million are examined about once every two or three years; banks with assets under \$250 million are examined once every four or five years.
5. Lee Huang, Econsult Solutions, and Marie Frizelle Roberts, MFR Consultants, *Examining the Lending Practices of Authorized Depositories for the City of Philadelphia*, Calendar Year, 2013, May 2015.
6. City of Cleveland, The Department of Finance, Reinvestment Review Committee, Eligible Depository Designation, [http://www.city.cleveland.oh.us/sites/default/files/forms\\_publications/ReinvestmentReviewBook.pdf](http://www.city.cleveland.oh.us/sites/default/files/forms_publications/ReinvestmentReviewBook.pdf).

## ADDRESSING THE FORECLOSURE CRISIS

1. Peter Goodman, *Foreclosure Settlement Fails to Force Mortgage Companies to Improve*, The Huffington Post. (Aug. 7, 2012).
2. Center for Policy Initiatives, *Foreclosure: The Cost Communities Pay* (2011).
3. Dana Bartholomew, *Banks letting blight take over L.A. foreclosures—and they're getting away with it*, LA Daily News (Aug. 22, 2012).
4. How We Can Fix LA's Foreclosure Registry Program to Make Banks Pay for the Harm They Cause Our Communities, <http://banksmakebadneighborhoods.files.wordpress.com/2012/06/how-to-fix-blight-enforcement.pdf>.
5. Jim Kenney, *Springfield anti-foreclosure ordinances may stand*, U.S. District Court judge Michael Ponsor rules, The Republican (July 3, 2012).
6. Kate Berry, *Ninth U.S. City Adopts a Responsible Banking Law*, American Banker (Nov. 1, 2012).
7. John Washington, *Occupy Buffalo Chasing Chase Out of Buffalo*, Fire-DogLake (May 31, 2012).

## AFFORDABLE HOUSING IMPACT FEE PROGRAMS

1. [https://www.lincolnst.edu/pubs/2428\\_Achieving-Lasting-Affordability-through-Inclusionary-Housing](https://www.lincolnst.edu/pubs/2428_Achieving-Lasting-Affordability-through-Inclusionary-Housing)
2. [https://www.lincolnst.edu/pubs/3583\\_Inclusionary-Housing](https://www.lincolnst.edu/pubs/3583_Inclusionary-Housing)
3. <http://sfmohcd.org/inclusionary-housing-program>
4. <http://www.pilpa.org/wp-content/uploads/2010/10/Inclusionary-Zoning-After-Palmer-Patterson-7-11-10.pdf>;
5. Data shared by the Association of Bay Area Governments
6. <http://abag.ca.gov/files/CommercialLinkageFees.pdf>
7. <http://www.affordableownership.org/event/webinar-inclusionary-housing-fees-vs-units/>
8. <http://www.smgov.net/departments/council/agendas/2014/20140923/s2014092307-B.htm>; <http://www.smgov.net/departments/council/agendas/2014/20140923/s2014092307-B-5.htm>
9. <http://www.codepublishing.com/CA/Berkeley/html/Berkeley22/Berkeley2220/Berkeley2220065.html>;
10. [http://dnd.cityofboston.gov/portal/v1/contentRepository/Public/dnd%20pdfs/HousingDevelopment/NHT\\_Report\\_2014\\_150406\\_1230.pdf](http://dnd.cityofboston.gov/portal/v1/contentRepository/Public/dnd%20pdfs/HousingDevelopment/NHT_Report_2014_150406_1230.pdf); <http://inclusivepolicy.org/case-studies/linkage-fees-boston/n>
11. <https://housing.arlingtonva.us/development/land-use-zoning-tools/>;
12. Northern Virginia Affordable Housing Alliance. *Commercial Linkage Fees in Northern Virginia: A Primer*; 2014: [http://nvaah.org/wp-content/uploads/2014/11/NVAH\\_1311CommImpactRpt-WEB.pdf](http://nvaah.org/wp-content/uploads/2014/11/NVAH_1311CommImpactRpt-WEB.pdf)

## BANNING SOURCE OF INCOME HOUSING DISCRIMINATION

1. Manny Hernandez, *Bias Is Seen as Landlords Bar Vouchers* (NY Times, Oct. 30, 2007).
2. Popkin & Cunningham at 23.
3. Id. at 25.
4. A snapshot of the postings on July 29, 2008 found no fewer than 1,543 advertisements for rental units that indicated a limitation or discrimination based on source of income.
5. Renters have no way of knowing whether they have been discriminated against if they are "screened out" at initial stages by landlords or brokers before they even have an opportunity to get the address of a prospective rental property.
6. California, Connecticut, District of Columbia, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont and Wisconsin.
7. Local laws and ordinances in Florida, Illinois, Iowa, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, Missouri and Washington.

8. U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Study on Section 8 Voucher Success Rates (2001) at 3-17.
9. N.Y.C. Admin. Code § 8-102(25) includes “income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers”.
10. D.C. Code § 2-1402.21(e).
11. Courts have held that Section 8 aid does not qualify as a source of income. *Sabi v. Sterling*, 183 Cal. App. 4th 916 (Cal. Ct. App. 2010); *Knapp v. Eagle Property Management Corp.*, 54 F.3d 1272 (Wis. 1995). Courts have held otherwise in *Comm’n on Human Rights & Opportunities v. Sullivan Associates*, 250 Conn. 763, 739 A. 2d. 238 (1999).
12. Cook County Code of Ordinances § 42-31, 42-38; Wheeling Human Rights Ordinance Ch. 6.14 (Illinois).
13. D.C. Code Ann § 42-2851.06(c); Mass. Gen. Laws. Ann. ch. 151B § 4; N.Y.C. Admin. Code § 8-107(5)(a) (l).
14. Utah Code Ann. § 57-21-5; N.Y.C. Admin. Code § 8-107.
15. N.J. Stat. Ann. §10:5-4.
16. National Housing Law Project, Housing Law Bulletin (Nov/Dec 2008).
17. Fred Freiberg & Diane L. Houk, Fair Housing Justice Center, No License to Discriminate: Real Estate Advertising, Source of Income Discrimination, and Homelessness in New York City (2008); Tamica H. Daniel, Note, Bringing Real Choice to the Housing Choice Voucher Program: Addressing Voucher Discrimination Under the Federal Fair Housing Act, 98 Geo. L.J. 769 (2010).
18. Including California, Connecticut, North Dakota, Oregon
19. Cal. Gov’t Code § 12980(h); Conn. Gen. Stat. Ann. § 46a-64c; N.D. CENT.

## ENDING DRUG-RELATED EVICTIONS IN PUBLIC HOUSING

1. Public Housing Tenants Evicted on ‘One-Strike’ Rule Cry Foul, Buffalo News (Apr. 8 2002).
2. Marnie Smith, Collateral Consequences of Criminal Convictions in American Courts: The View from the State Bench, 29 JUST. SYS. J. 145, 146 (2008).
3. 42 U.S. §1437(l)(6).
4. State of the Union, President Clinton (1996); Pub. L. No. 104-120, 110 Stat. 834 (1996).
5. Angela Caputo, One and Done, The Chicago Reporter (Sept. 4, 2011).
6. Wendy Kaplin & David Rossman, Called out at Home: The One Strike Eviction Policy and Juvenile Court, Duke Forum for Law & Social Change, Vol. 3, No. 109 (2011).
7. Secretary Donovan, Open Letter to PHA Executive Directors (2011).

8. <http://portal.hud.gov/hudportal/documents/hud-doc?id=PIH2015-19.pdf>
9. Bruce Reilly, Formerly Incarcerated & Convicted People’s Movement, Communities, Evictions and Criminal Convictions (2013).
10. 1Pub. L. No. 104-120, 110 Stat. 834 (1996).
11. 106 Mass. Code Regs. 309.040 (B)(4)(2010); D.C. Mun. Regs. 29-2502.1(e) (2010).
12. Open Letter to Chairman Rhea of the New York Housing Authority, The New York City Bar (2011).
13. State of the Union, President Clinton (1996).
14. Angela Caputo, One and Done, The Chicago Reporter (2011).
15. Edgar Sandoval, Violence Rises in NYC Housing Developments (2011).
16. Los Angeles Homes Service Authority and Economic Roundtable, Where We Sleep (2013).
17. Pub. L. No. 105-276, 112 Stat. 1643 (1998).
18. [http://www.nola.com/politics/index.ssf/2016/03/hano\\_approves\\_new\\_criminal\\_bac.html#incart\\_m-rpt-2](http://www.nola.com/politics/index.ssf/2016/03/hano_approves_new_criminal_bac.html#incart_m-rpt-2)
19. [https://www.hano.org/home/agency\\_plans/CRIMINAL%20BACKGROUND%20PROCEDURES%20FOR%20POSTING%2002.05.16.pdf](https://www.hano.org/home/agency_plans/CRIMINAL%20BACKGROUND%20PROCEDURES%20FOR%20POSTING%2002.05.16.pdf)

## HOUSING CODE ENFORCEMENT

1. Patrick MacRoy, Dough Farquhar, Creating Healthier Housing Through Building Codes, May 2009.
2. James Krieger & Donna Higgins, Housing and Health: Time Again for Public Health Action, Am. J. of Pub. Health, May, 2002, at 758-68.
3. See MacRoy & Farquhar at 2.
4. H. Laurence Ross, Housing Code Enforcement and Urban Decline, 6, 29, 29-46, Journal of Affordable Housing & Community Development Law, (1996).
5. See MacRoy & Farquhar at 1.
6. Robin Powers Kinning, Selective Housing Code Enforcement and Low-Income Housing Policy: Minneapolis Case Study, 11, 159, 159-196, Fordham Urb. L.J. (1992).
7. Orr, S. (2016, February 5). Lead poisoning still an issue in Rochester. Retrieved April 21, 2016, from <http://www.democratandchronicle.com/story/news/2016/02/05/rochester-still-has-lead-issues/79704096/>
8. Greensboro Housing Commission, Healthy Homes Policy Summit, Ground-up Approach to Code Enforcement (May, 2009).
9. Krieger & Higgins at 759.
10. Kinning at 161.

## INCLUSIONARY HOUSING

1. State of the Nation’s Housing, Joint Center for Housing Studies of Harvard University (2014).
2. Inclusionary Zoning and Mixed Income Communities, Evidence Matters: Transforming Knowledge into Housing and Development Policy, United States

Department of Housing and Urban Development (Spring 2013).

3. Inclusionary Zoning and Mixed Income Communities, Evidence Matters: Transforming Knowledge into Housing and Development Policy, United States Department of Housing and Urban Development (Spring 2013).
4. How Much Affordable Housing Has NYC’s Inclusionary Zoning Created? New York City Councilmember Brad Lander (August 16, 2013).
5. Expanding Housing Opportunities Through Inclusionary Zoning: Lessons from Two Counties, United States Department of Housing and Urban Development (2012).
6. [http://www.lincolinst.edu/pubs/3583\\_Inclusionary-Housing](http://www.lincolinst.edu/pubs/3583_Inclusionary-Housing)

## PERMANENTLY AFFORDABLE HOMEOWNERSHIP

1. For more information, see the *Stewardship Standards for Homeownership* at <http://www.affordableownership.org/stewardship-standards/>.
2. Visit the HomeKeeper National Data Hub at: <http://myhomekeeper.org/why-homekeeper/the-homekeeper-national-data-hub>
3. Read more about how cities can partner with and support CLTs at: [http://www.lincolinst.edu/pubs/1395\\_The-City-CLT-Partnership](http://www.lincolinst.edu/pubs/1395_The-City-CLT-Partnership).

## PROTECTING TENANTS IN THE ON-DEMAND ECONOMY

1. Roy Samaan. “AirBnB, Rising Rent, and the Housing Crisis in Los Angeles.” <<http://www.laane.org/wp-content/uploads/2015/03/AirBnBFinal.pdf>> LAANE. March 2015. (Accessed October 9, 2015).
2. Roy Samaan. “AirBnB, Rising Rent, and the Housing Crisis in Los Angeles.”
3. Nik Theodore, Beth Gutelius and Linda Burnham. “Home Truths: Domestic Workers in California.” <<http://www.domesticworkers.org/sites/default/files/HomeTruths.pdf>> National Domestic Workers Alliance. 2013. (Accessed October 9, 2015).
4. Molly Cohen and Corey Zehngebot. “What’s Old Becomes New: Regulating the Sharing Economy.” <<http://bostonbarjournal.com/2014/04/01/whats-old-becomes-new-regulating-the-sharing-economy/>> Boston Bar Journal. April 1, 2014. (Accessed October 9, 2015).
5. Roy Samaan. “AirBnB, Rising Rent, and the Housing Crisis in Los Angeles.”
6. Ibid.
7. Ibid.
8. Ibid.
9. Ibid



## ENSURING LANGUAGE ACCESS

1. “Bad Medicine,” Make the Road New York & New York Lawyers for the Public Interest, August 2008, [http://www.nylpi.org/wp-content/uploads/bsk-pdf-manager/106\\_HEALTH\\_-\\_BAD\\_MEDICINE\\_-\\_REPORT\\_ON\\_NYC\\_PHARMACIES.PDF](http://www.nylpi.org/wp-content/uploads/bsk-pdf-manager/106_HEALTH_-_BAD_MEDICINE_-_REPORT_ON_NYC_PHARMACIES.PDF).
2. Jie Zong and Jeanne Batalova, “The Limited English Proficient Population in the United States,” Migration Policy Institute, July 8, 2015, <https://www.migrationpolicy.org/article/limited-english-proficient-population-united-states>.
3. *Alexander v. Sandoval*, 532 U.S. 275 (2001)
4. “Access Denied: The Unfulfilled Promise of the D.C. Language Access,” American University Washington College of Law, DC Language Access Coalition, [http://www.dclanguageaccesscoalition.org/uploads/9/2/1/1/9211682/91243\\_au\\_dclacprt\\_final.pdf](http://www.dclanguageaccesscoalition.org/uploads/9/2/1/1/9211682/91243_au_dclacprt_final.pdf)
5. San Francisco Ordinance No. 202-09 (2009), <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances09/o0202-09.pdf>. Given the changing demographics of San Francisco, and the increasing linguistic diversity, the San Francisco ordinance was amended in 2009. The original 2001 law was the first of its kind in the country.
6. Oakland Ord. No. 12324 (2001), <http://clerkwebsvr1.oaklandnet.com/attachments/21961.pdf>.
7. DC Language Access Act, District of Columbia Act 15-414 (2004), [http://www.lep.gov/resources/2008\\_Conference\\_Materials/DCLanguageAccessActof2004.pdf](http://www.lep.gov/resources/2008_Conference_Materials/DCLanguageAccessActof2004.pdf).
8. New York City Local Law 73, Equal Access to Human Services (2003), <http://www.nyc.gov/html/imm/downloads/pdf/ll-73.pdf>. New York City Executive Order 120 (2008), [http://www.nyc.gov/html/om/pdf/2008/pr282-08\\_eo\\_120.pdf](http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf).
9. “Mayor Emanuel Announces Creation Of Office Of New Americans To Support Chicago’s Immigrant Communities And Enhance Their Contributions To Chicago’s Economic, Civic, And Cultural Life,” Press Release, City of Chicago Mayor’s Office, July 19, 2011, <http://bit.ly/SWZHjX>.
10. Language Access in Pharmacies Act, NYC Administrative Code Section 20-620 (2009).
11. Jeanne Batalova and Jie Zong, “Language Diversity and English Proficiency in the United States,” Migration Policy Institute, November 11, 2016, [https://www.migrationpolicy.org/article/language-diversity-and-english-proficiency-united-states#Distribution\\_by\\_State](https://www.migrationpolicy.org/article/language-diversity-and-english-proficiency-united-states#Distribution_by_State).
12. See, for example, Language Scientific, a company that provides competent translation and phone interpretation services for both government agencies and medical settings: <http://www.languagescientific.com/>. Language Scientific is only one example of the hundreds of companies, including local and minority and women-owned businesses, in this sector: <http://www.common senseadvisory.com>.
13. It is important to target policies based on the languages spoken by the LEP population, and not the general population, as there may be sizable populations where a language other than English is spoken at home, but community members also speak English well.

## DETAINDER DISCRETION: LIMITING LOCAL ENTANGLEMENT WITH FEDERAL IMMIGRATION AUTHORITIES

1. Formerly called the Secure Communities program or S-Comm. Pursuant to a November 20, 2014 memorandum by Department of Homeland Security Secretary Jeh Johnson, PEP replaced S-Comm. See <https://www.ice.gov/sites/default/files/documents/Document/2015/pep-overview.pdf>.
2. See, e.g., *Morales v. Chadbourne*, 996 F. Supp. 2d 19 (D. R.I. 2014), *affirmed on appeal*, 2015 WL 4385945 (1st Cir. July 17, 2015) (U.S. citizen held on ICE detainer stated a valid Fourth Amendment claim against Rhode Island officials); *Galarza v. Szalczek*, 745 F.3d 634 (3d Cir. 2014) (county could be held liable for Fourth Amendment violation after holding U.S. citizen on ICE detainer, causing county to settle with Plaintiff for \$95,000); *Miranda-Olivares v. Clackamas County*, 2014 WL 1414305 (D. Oregon 2014) (granting summary judgment to individual held on ICE detainer because detainer and therefore detention not support by probable cause); *Mendoza v. Osterberg*, 2014 WL 3784141 (D. Neb. 2014) (U.S. citizen had viable Fourth Amendment claim against county resulting from detention on ICE detainer); *Villars v. Kubiawski*, 45 F. Supp. 3d 791 (N.D. Ill. 2014) (Plaintiff had viable Fourth Amendment claim for detention pursuant to ICE detainer); *Uroza v. Salt Lake County*, 2013 WL 653968 (D. Utah 2013) (same).
3. See: <http://www.ice.gov/secure-communities/>
4. 8 C.F.R. 287.7 (2011) (stating that “[t]he detainer is a request that the [local law enforcement] agency advise the Department [of Homeland Security], prior to release of the alien, in order for the Department to arrange to assume custody”). See also *Buquer v. City of Indianapolis*, 797 F.Supp.2d 905 (2011).
5. See Turning the Tide website, “The Real Impact of Police-ICE Collaboration,” at <http://altopolimigra.com/2011/08/16/the-real-impactof-police-ice-collaboration/>
6. See Immigrant Legal Resource Center, <http://www.ilrc.org/enforcement>, for an updated map.

## LOCAL CONFIDENTIALITY POLICIES

1. Texas Observer, “Woman Arrested at Gynecology Office May Face Deportation.” September 2015. Accessed April 29, 2016. <https://www.texasobserver.org/woman-arrested-at-gynecology-office-may-face-deportation/>
2. Chicago Tribune, “License application leads to immigration bust.” September 2014. Accessed April 29, 2016. <<http://www.chicagotribune.com/news/ct-drivers-license-deportation-met-20140908-story.html>>
3. Speech of Rudolph W. Giuliani, “Personal Responsibility and Work Opportunity Reconciliation Act of 1996” (September 11, 1996), available at: [www.nyc.gov/html/records/rwg/html/96/welfare.html](http://www.nyc.gov/html/records/rwg/html/96/welfare.html). Letter

of Alan D. Aviles, President, New York City Health and Hospitals Corporation to All HHC Employees (May 18, 2006).

4. For a helpful summary, please see: National Immigration Law Center, “Confidentiality, Verification, and Reporting: What happens to information that immigrants give to the government,” in the Guide to Immigrant Eligibility for Federal Programs (4th ed. 2002).
5. 8 U.S.C. 1644.
6. H.R. Rep. No. 104-725, at 383 (1996).
7. City of NY. Exec. Order 34 (May 2003).
8. For a summary of these local immigrant confidentiality provisions, among other local efforts to promote immigrant inclusion, see Cristina M. Rodriguez, “The Significance of the Local in Immigration Enforcement,” *Michigan Law Review*, vol. 106, p. 567 (2007-2008)
9. See, e.g. Tri-Agency Policy Guidance Regarding Inquiries into Citizenship, Immigration Status and Social Security Numbers in State Applications for Medicaid, State Children’s Health Insurance Program (CHIP), Temporary Assistance for Needy Families (TANF), and Food Stamp Benefits, at <http://www.hhs.gov/civil-rights/for-individuals/special-topics/need-families/triagency-letter/index.html>; confidentiality laws cited in NILC chapter (n. 4 below); and recent DHS reassurance to ensure that residents of Flint have safe access to clean water <https://www.dhs.gov/news/2016/02/24/public-notice-current-water-emergency-flint-mich>.
10. See: Model Bill: Immigrant Assistance in Crime Fighting, developed by Bernie Horn, Progressive Majority ([bhorn@ourfuture.org](mailto:bhorn@ourfuture.org))

## UNIVERSAL REPRESENTATION: FILLING THE DUE PROCESS GAP FOR PEOPLE IN IMMIGRATION COURT

1. Ingrid Eagly and Steven Shafer, “Access To Counsel In Immigration Court,” American Immigration Council, September 2016, [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf).
2. *Ibid.*
3. Peter Markowitz, Karen Berberich, Tammy Cho, Danny Dubbaneh, Laura Simich, Nina Siulc, Noelle Smart, “Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity,” The Vera Institute for Justice, November 2017, [https://storage.googleapis.com/vera-web-assets/downloads/Publications/new-york-immigrant-family-unity-project-evaluation/legacy\\_downloads/new-york-immigrant-family-unity-project-evaluation.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/new-york-immigrant-family-unity-project-evaluation/legacy_downloads/new-york-immigrant-family-unity-project-evaluation.pdf).
4. *Ibid.*
5. Dakota Smith and Cindy Carcamo, “Responding to Trump, L.A. proposes \$10-million legal defense fund for immigrants facing deportation,” *LA Times*, December 19, 2016, <http://www.latimes.com/local/lanow/la-me-ln-lafund-20161219-story.html>.

6. “Gov. Murphy Wants \$2.1 Billion To Help Undocumented Immigrants With Legal Aid,” *CBS News*, March 25, 2018, <http://newyork.cbslocal.com/2018/03/25/gov-murphy-wants-2-1-billion-to-help-undocumented-immigrants-with-legal-aid/>.
7. An overview and map of the Safe Cities Network is available here: <https://www.vera.org/projects/safe-cities-network>.
8. “The New York Immigrant Family Unity Project: Good for Employers, and Good for All New Yorkers,” The Center for Popular Democracy, October 2013, [https://populardemocracy.org/sites/default/files/immigrant\\_family\\_unity.pdf](https://populardemocracy.org/sites/default/files/immigrant_family_unity.pdf).
9. National Association of Immigration Judges, “NAIJ Policy on Legal Representation for Vulnerable Populations,” August 2016, [https://www.naij-usa.org/images/uploads/publications/NAIJ-Vulnerable\\_Policy-on-Legal-Representation-for-Vulnerable-Populations-final-Aug-2016.pdf](https://www.naij-usa.org/images/uploads/publications/NAIJ-Vulnerable_Policy-on-Legal-Representation-for-Vulnerable-Populations-final-Aug-2016.pdf).

## CAMPAIGN FINANCE REFORM

1. Laura Friedenbach, “Seattle’s Democracy Vouchers Reduce the Power of Big Money and Expand Political Participation,” *Every Voice*, November 15, 2017, <https://everyvoice.org/press-release/report-seatle-democracy-vouchers-success>.
2. “How it Works,” New York City Campaign Finance Board, Accessed May 7, 2018, <https://www.nycfb.info/program/how-it-works/>.
3. Adam Lioz, “Stacked Deck,” *Demos*, December 2014, [http://www.demos.org/sites/default/files/publications/StackedDeck2\\_1.pdf](http://www.demos.org/sites/default/files/publications/StackedDeck2_1.pdf), 22, 36.
4. “History of the CFB,” New York City Campaign Finance Board, Accessed May 7, 2018, <https://www.nycfb.info/about/history/>.
5. “FAQ,” DC Fair Elections Coalition, Accessed May 7, 2018, <https://dcfairelections.org/faq/>.
6. “Public Campaign Financing,” Montgomery County Council, Accessed May 7, 2018, [https://www.montgomerycountymd.gov/COUNCIL/public\\_campaign\\_finance.html](https://www.montgomerycountymd.gov/COUNCIL/public_campaign_finance.html).
7. Daniel Woldorff, “Small Donors, Big Change: Public Campaign Financing’s Effect on Montgomery County Races,” *Wamu*, December 8, 2017, <https://wamu.org/story/17/12/08/montgomery-county-ushers-new-era-campaign-financing/>.
8. “Campaign Finance,” City of Philadelphia Board of Ethics, Accessed May 7, 2018, <http://www.phila.gov/ethicsboard/campaignfinance/Pages/default.aspx>.

## CONFRONTING PREEMPTION

1. See, for example: Nicole DePuis et al, “City Rights in an Era of Preemption: A State-by-State Analysis,” The National League of Cities, 2017, <http://nlc.org/sites/default/files/2017-02/NLC%20Preemption%20Report%202017.pdf>.
2. Joy Borkholder, Mariah Montgomery, Miya Saika Chen, Rebecca Smith, “Uber State Interference: How Transportation Network Companies Buy, Bully, and Bamboozle Their Way to Regulation,” National Employment Law Project and Partnership for Working

- Families, January 2018, <http://www.forworking-families.org/sites/pwf/files/publications/Uber%20State%20Interference%20Jan%202018.pdf>
3. “State Preempting Local Laws are an Extension of Jim Crow,” Partnership for Working Families, August 29, 2017, <http://www.forworkingfamilies.org/blog/states-preempting-local-laws-are-extension-jim-crow>.

## DIGITAL DEMOCRACY AND TRANSPARENCY

1. Data.gov source code available at <https://github.com/GSA/data.gov/>
2. Available at records.oaklandnet.com with source code available at <https://github.com/codeforamerica/recordtrac>
3. Available at StateDecoded.com with source code available at <https://github.com/statdecoded/statdecoded>
4. Available at Councilmatic.org with source code available at <https://github.com/datamade>
5. Available at MyMadison.io with source code available at <https://github.com/opengovfoundation/madison/milestones>

## EXPANDING VOTING RIGHTS

1. Reid Wilson, “New report finds that voter turnout in 2016 topped 2012,” *The Hill*, March 16, 2017, <http://thehill.com/homenews/state-watch/324206-new-report-finds-that-voter-turnout-in-2016-topped-2012>.
2. Ibid.
3. “America Goes to the Polls 2014: A Report on Voter Turnout in the 2014 Midterm Election,” Nonprofit VOTE, <https://www.nonprofitvote.org/documents/2015/03/america-goes-polls-2014.pdf>, 19.
4. “Voter Turnout,” The Center for Voting and Democracy, Accessed May 8, 2018, <http://people.sunyit.edu/~steve/sync/pos110-fall2011/data/20110918155226/>.
5. “U.S. cities are home to 62.7 percent of the U.S. population, but comprise just 3.5 percent of land area,” U.S. Census, March 4, 2015, <https://www.census.gov/newsroom/press-releases/2015/cb15-33.html>; Walter Hickey and Joe Weisenthal, “Half of the United States lives in these counties,” *Business Insider*, September 4, 2013, <http://www.businessinsider.com/half-of-the-united-states-lives-in-these-counties-2013-9>.
6. See “Deepening Our Democracy: How Localities Can Expand Voting Rights,” The Center for Popular Democracy, January 2018, <https://populardemocracy.org/news/publications/deepening-our-democracy-how-localities-can-expand-voting-rights>.
7. “Voting laws roundup 2017,” The Brennan Center, May 10, 2017, <https://www.brennancenter.org/analysis/voting-laws-roundup-2017>.
8. “A Broken Promise: Agency-Based Registration in New York City,” The Center for Popular Democracy et al, October 2014, <https://populardemocracy.org/sites/default/files/Broken%20Promises%20Report.pdf>.

9. Local Law 29 of 2000, The City of New York, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=431931&GUID=EA0DF147-EDB3-4471-B258-9535E00B480C&Options=ID|Text|&Search=29>; Local Law 63 of 2014, The City of New York, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1937617&GUID=12025688-10DA-4EB4-A73C-B5C5724299F4&Options=ID|Text|&Search=63>.
10. “Over 11,900 Students Registered to Vote in the 2016 High School Voter Registration Drive (HSVR),” Broward County Supervisor of Elections High School Voter Registration Drive, February 11, 2016, <https://www.browardsoe.org/Press-Room/Press-Releases/ArtMID/18019/ArticleID/175/Over-11900-Students-Registered-to-Vote-in-the-2016-High-School-Voter-Registration-Drive-HSVR>.
11. Fourteen states, plus the District of Columbia, allow or have enacted legislation allowing 16- or 17-year-olds to pre-register to vote, even if they will not turn 18 before Election Day: California, Colorado, Delaware, Florida, Hawaii, Louisiana, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Oregon, Rhode Island, and Utah. “VRM in states: pre-registration in states,” The Brennan Center, March 24, 2017, <https://www.brennancenter.org/analysis/vrm-states-pre-registration-states>
12. J. Mijin Cha and Liz Kennedy, “Millions to the polls: practical policies to fulfill the freedom to vote for all Americans,” *Demos*, 2014, [http://www.demos.org/sites/default/files/publications/Millions%20to%20the%20Polls%20Pre%20Registration\\_0.pdf](http://www.demos.org/sites/default/files/publications/Millions%20to%20the%20Polls%20Pre%20Registration_0.pdf), 2.
13. “Voter pre-registration,” Fair Vote, Accessed November 2017, [http://www.fairvote.org/voter\\_pre\\_registration#facts\\_about\\_voter\\_pre\\_registration](http://www.fairvote.org/voter_pre_registration#facts_about_voter_pre_registration).
14. Letter to Takoma Park Mayor Bruce Williams, The Center for Information and Research on Civic Learning and Engagement, March 25, 2013, [http://www.promoteourvote.com/uploads/9/2/2/7/9227685/circle\\_letter\\_to\\_takoma\\_park.pdf](http://www.promoteourvote.com/uploads/9/2/2/7/9227685/circle_letter_to_takoma_park.pdf).
15. “Youth voting: the 2016 youth vote,” Circle, Accessed November 2017, <http://civicyouth.org/quick-facts/youth-voting/>.
16. Lindsay Powers, “Takoma Park grants 16-year-olds right to vote,” *Washington Post*, May 14, 2013, [https://www.washingtonpost.com/local/takoma-park-grants-16-year-olds-right-to-vote/2013/05/14/b27c52c4-bccd-11e2-89c9-3be8095fe767\\_story.html?utm\\_term=.a2a994ceb9b1](https://www.washingtonpost.com/local/takoma-park-grants-16-year-olds-right-to-vote/2013/05/14/b27c52c4-bccd-11e2-89c9-3be8095fe767_story.html?utm_term=.a2a994ceb9b1).
17. Resolution 2008R-361, City of Minneapolis.
18. Angela Migally and Susan Liss, “Small donor matching funds: The NYC election experience,” The Brennan Center, 2010, <http://www.brennancenter.org/sites/default/files/legacy/Small%20Donor%20Matching%20Funds-The%20NYC%20Election%20Experience.pdf>; Elisabeth Glen, et al., “Donor diversity through public matching funds,” The Brennan Center and the Campaign Finance Institute, 2012, [http://www.brennancenter.org/sites/default/files/legacy/publications/DonorDiversityReport\\_WEB.PDF](http://www.brennancenter.org/sites/default/files/legacy/publications/DonorDiversityReport_WEB.PDF).
19. “Deepening Democracy,” The Center for Popular Democracy.



20. "America's Voting Machines at Risk," Lawrence Nordon and Christopher Famighetti, The Brennan Center for Justice, September 15, 2015, <https://www.brennancenter.org/publication/americas-voting-machines-risk>.
21. Lawrence Norton with Whitney Quesenbery and David C. Kimball, "Better Design, Better Elections," The Brennan Center for Justice, 2012, [http://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Better\\_Design\\_Better\\_Elections.pdf](http://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Better_Design_Better_Elections.pdf).
22. "Youth Voting/Political Participation," The Center for Information & Research on Civic Learning and Engagement, Accessed June 2018, <https://civicyouth.org/ResearchTopics/research-topics/political-participation-and-voting/>.

## **PARTICIPATORY BUDGETING**

1. See The Participatory Budgeting Project, [participatorybudgeting.org](http://participatorybudgeting.org).
2. Participatory Budgeting Project, "Mission & Approach," available at: <http://www.participatorybudgeting.org/who-we-are/mission-approach/>.
3. Ellyn Fortino, "The Votes are In," Progress Illinois (May 10, 2013).
4. Melisa Mark-Viverito, "Participatory budgeting in year two," Huffington Post (January 28, 2013).
5. See: <http://pbnyc.org/content/about-new-york-city-process>
6. See "New York City Council Discretionary Funding Policies and Procedures: discretionary funding," available at: <http://council.nyc.gov/downloads/pdf/budget/2014/14budget.pdf>



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