



# HUMAN DEVELOPMENT FEDERAL ADVOCACY COMMITTEE

Wednesday, November 15, 2023

3:00 – 5:00 PM

Omni Atlanta at CNN Center

International Ballroom A - M2



## Memorandum

**TO:** Human Development (HD) Federal Advocacy Committee Members

**FROM:** The Honorable Steve Williams, Chair  
Mayor, City of Huntington, West Virginia

**RE:** 2023 HD Federal Advocacy Committee Report

On behalf of the Human Development Federal Advocacy Committee, I am pleased to present the enclosed committee report for 2023. This report contains recommended policy amendments and resolutions from the HD Committee. Please carefully review these proposals in advance of the upcoming City Summit.

**The HD Federal Advocacy Committee will meet in Atlanta, Georgia during City Summit on Wednesday, November 15, 2023, from 3-5 p.m. in International Ballroom A, Level M2 (North Tower) at the Omni Atlanta at CNN Center (main conference hotel).**

The primary role of NLC's Federal Advocacy committees is to oversee the regular review and updating of the [National Municipal Policy](#) to ensure that it reflects the view of local officials on current and emerging federal policy issues. Adopted positions are used to guide NLC's federal advocacy efforts, shape public policy debates, and communicate positions with the media, Congress and the Administration, and other stakeholders. In addition to developing federal policy, the committees serve as advocates on behalf of cities, towns and villages and lead on finding solutions to local challenges.

The HD Federal Advocacy Committee has worked diligently to recommend policy changes and pursue initiatives under the Committee's jurisdiction. If you have any questions about the proposals in this report, please feel free to contact me, any member of the Committee, or the NLC staff contact for the Committee – Stephanie Martinez-Ruckman.

It has been an honor to serve as the HD Committee Chair this year. I look forward to seeing you soon.

## Human Development Committee Agenda

Wednesday, November 15, 3-5 p.m.

Omni Atlanta at CNN Center

International Ballroom A, Level M2 (North Tower)

3:00 – 3:15 p.m.	<p><b>WELCOME, INTRODUCTIONS AND MEETING OVERVIEW</b></p> <ul style="list-style-type: none"> <li>• <b>The Honorable Steve Williams, Chair</b> <i>Mayor, City of Huntington, West Virginia</i></li> </ul> <p>Introductions and explanation of expected outcomes from this meeting. The Chair will also review the Committee's final recommendations for policy amendments and resolutions, which were approved during the October Human Development Committee meeting.</p>
3:15 – 3:45 p.m.	<p><b>LOCAL POLICY SPOTLIGHT: EARLY CHILDHOOD</b></p> <ul style="list-style-type: none"> <li>• <b>Jenny Diaz-Leon</b> <i>Community Coordinator, Division of Children, Youth, and Family Services, City of Longmont, CO</i></li> <li>• <b>Becky Doyle</b> <i>Executive Director of Strategic Integration, City of Longmont, CO</i></li> <li>• <b>Hilda Zamora Hursh</b> <i>Division Manager, Division of Children, Youth, and Family Services, City of Longmont, CO</i></li> <li>• <b>Christina Pacheco</b> <i>Director, Department of Human Services, City of Longmont, CO</i></li> <li>• <b>Grace Pynnonen</b> <i>Delivery Leader, Delivery Associates</i></li> <li>• <b>Juan Riesco</b> <i>Associate Director, Delivery Associates</i></li> </ul> <p>Committee members will hear from Delivery Associates, an NLC Corporate Partner, and the City of Longmont, CO regarding their work to increase access to early childhood education using data.</p>

3:45 – 3:55 p.m.	<b>FEDERAL ADVOCACY UPDATE</b> <ul style="list-style-type: none"> <li>• <b>Stephanie Martinez-Ruckman</b> <i>Legislative Director, Human Development, Federal Advocacy, NLC</i></li> </ul> <p>Committee members will hear an update on NLC’s 2023 federal action agenda, priorities for the lame duck Congressional Session and a look ahead to 2024 priorities.</p>
3:55 – 4:00 p.m.	<b>NLC PRESIDENT REMARKS</b> <ul style="list-style-type: none"> <li>• <b>The Honorable Victoria Woodards</b> <i>President, National League of Cities Mayor, City of Tacoma, Washington</i></li> </ul>
4:00 – 4:25 p.m.	<b>NLC RESOURCE SPOTLIGHT: OPIOID SETTLEMENT DOLLARS</b> <ul style="list-style-type: none"> <li>• <b>Christine Baker-Smith, PhD</b> <i>Director of Research, NLC</i></li> </ul> <p>The Committee will hear from NLC’s director of research regarding a newly released resource on how opioid settlement dollars advance city and county opioid abatement.</p>
4:25 – 4:55 p.m.	<b>GOOD JOBS, GREAT CITIES</b> <ul style="list-style-type: none"> <li>• <b>Mike Bartlett</b> <i>Program Director, Postsecondary and Workforce Success, NLC</i></li> <li>• <b>Edward Sundquist</b> <i>Mayor, Jamestown, New York</i></li> </ul> <p>Committee members will hear from communities engaged in the <i>Good Jobs, Great Cities</i> Academy and share in a conversation around developing innovative and scalable city-supported solutions that upskill and reskill workers into quality, high-demand jobs in infrastructure, clean energy, and advanced manufacturing jobs made possible by new federal investments, with a focus on supporting residents from historically underserved and underrepresented communities in order to address key shortcomings in their education and workforce ecosystem.</p>
4:55 – 5:00 p.m.	<b>WRAP UP AND ADJOURN</b>

**Enclosures:**

- City Summit Human Development Highlights
- NLC Policy Development and Advocacy Process
- Proposed HD Policy Amendments
- Proposed HD Resolutions
- NLC Legal Update
- 2023 Human Development Committee Roster

**Next In-Person HD Committee Meeting:**  
**NLC Congressional City Conference**  
**Marriott Marquis Hotel – Washington, DC**  
**March 9-13, 2024**

## City Summit Human Development Highlights

### Thursday, Nov. 16

- 8:00 – 8:45 AM: Solution Session: Inclusive Mental Health Policies for the City Workforce
- 8:00 – 8:45 AM: Solution Session: Redlining and Health: A Look at Impacts in Three Cities
- 1:30 – 3:00 PM: Opening General Session
- 4:00 – 5:15 PM: Workshop: taking a Data-Driven Approach to Community Well-Being
- 4:00 – 5:15 PM: Workshop: Building Pathways into the Municipal Workforce

### Friday, Nov. 17

- 8:00 – 9:00 AM: Data Literacy for Elected Officials
- 9:00 – 10:30 AM: General Session
- 10:45 AM – 12:00 PM: Council on Youth, Education and Families Meeting
- 11:00 AM – 12:15 PM: Workshop: Addressing Root Causes of Mental Health and Substance Use Disorders
- 11:00 AM – 12:15 PM: Workshop: *Good Jobs, Great Cities*: The Next-Generation Infrastructure Workforce
- 12:15 – 1:30 PM: Furthering Municipal Priorities Through Afterschool Programs
- 1:00 – 3:15 PM: Workshop: Gun Violence and Mass Shootings: Trauma-Informed Care and Other Municipal Approaches to Recovery
- 2:00 – 3:15 PM: Mayors' Education Task Force
- 3:30 – 5:00 PM: Afternoon General Session
- 7:00 – 10:00 PM – Celebration for David Sander, NLC Incoming President

### Saturday, Nov. 18

- 9:00 – 10:15 AM: Workshop: The Urgency of Addressing Youth Mental Health in Cities
- 9:00 – 10:15 AM: Workshop: Human-Centered Approaches to Address Homelessness
- 12:00 – 1:45 PM: Closing General Session and Delegates Lunch
- 2:15 – 4:15 PM: Annual Business Meeting
- 7:00 – 10:00 PM: Atlanta Host City Closing Event



## **Procedures for the Adoption of National Municipal Policy and Resolutions**

### **City Summit Atlanta, Georgia November 2023**

The [National Municipal Policy](#) (NMP) is NLC's comprehensive, standing statement of goals, principles, policies and program objectives on federal policy issues directly affecting or of concern to cities, towns and villages. The NMP serves as the basis for NLC's advocacy efforts on behalf of the nation's cities, towns and villages. The policy is subject to annual modification by delegates from direct member cities and state municipal leagues at the Annual Business Meeting during City Summit.

Since membership amends the NMP once each year, amendments to the policy typically do not endorse or oppose specific congressional bills, current presidential positions, or technical aspects of federal regulations. Instead, positions on such timely matters – which are subject to major changes during the annual legislative and administrative processes – are the subject of NLC resolutions that stand for one year, from their time of passage until the adjournment of the next City Summit.

At the Congressional Cities Conference (CCC) in March, the Federal Advocacy Committees set agendas for the year. At meeting(s) following CCC, the committees develop recommendations for policy amendments and resolutions. Additionally, during the summer, all NLC direct member cities and state municipal leagues were invited to submit recommendations of policy amendments and resolutions by June 9, 2023.

At least two weeks prior to the City Summit, proposed policy amendments and resolutions for 2024 are published on the NLC website and an announcement is sent to all NLC members. The proposed resolutions book for 2024 can be found [here](#). These proposals are subject to change by the Federal Advocacy Committees and the Resolutions Committee at City Summit prior to the Annual Business Meeting.

### **Federal Advocacy Committee Meetings: Wednesday, November 15**

NLC's Federal Advocacy Committees will meet during City Summit to finalize their recommended amendments and resolutions.

During the Federal Advocacy Committee meetings, action can be taken on policy amendments or resolutions submitted to NLC by the June 9, 2023 advance submission deadline, if the

committee did not endorse those positions. Sponsors of these amendments or resolutions, or their representatives, can appear before the Federal Advocacy Committee on behalf of their proposed recommendations. The Federal Advocacy Committees can also hear additional proposals on the floor from committee members.

Individuals may submit resolutions or policy changes electronically to the NLC staff contact for the committee. (NLC staff should be notified in advance of this intention if possible.)

Federal Advocacy Committee meetings are open to all conference participants. However, only committee members are eligible to vote, make formal motions and debate items. Committee members may be asked to identify themselves.

Adoption of recommendations is by a majority vote of Federal Advocacy Committee members present and voting. Proxies are not permitted. Every reasonable effort will be made to ensure that the views of all committee members are heard.

### **Resolutions Committee Meeting: Thursday, November 16**

Proposals approved by the Federal Advocacy Committees are forwarded to the NLC Resolutions Committee for consideration. The Resolutions Committee will meet during City Summit on Thursday, November 16 at 10:15 a.m. The Federal Advocacy Committee chairs will report the recommendations of their respective committees to the Resolutions Committee members.

In addition to these amendments and resolutions, the Resolutions Committee will consider any appeals by sponsors of policy amendments or resolutions that were received in NLC's offices by the June 9, 2023 advance submission deadline and subsequently rejected during Federal Advocacy Committee debate. Proposals from Resolutions Committee members or the Board of Directors also are eligible for consideration by the Resolutions Committee.

Only Resolutions Committee members or representatives appointed by state municipal leagues who are not represented on the Board of Directors may participate and vote during the meeting. The only individuals who will be recognized to speak at the Resolutions Committee are members of the Resolutions Committee, Board members, Federal Advocacy Committee chairs, and sponsors of policy recommendations being appealed. Adoption of recommendations is by majority vote of Resolutions Committee members present and voting. Proxies are not allowed.

The Resolution Committee Official Rules of Conduct and the NLC Bylaws shall govern the conduct of the Resolutions Committee meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition shall govern the conduct of the meeting.

## **Annual Business Meeting: Saturday, November 18**

Resolutions Committee actions are referred to the Annual Business Meeting for consideration and adoption by the voting delegates. The report of the Resolutions Committee will include only recommended policy language amendments and resolutions. The Annual Business Meeting will be held during City Summit on Saturday, November 18 at 2:15 p.m.

To cast a vote at the Annual Business Meeting, all voting or alternate delegates must be registered with the Credentials Committee and must have official voting materials. Each direct member city has a certified voting delegate, or alternate, who is entitled to vote at the Annual Business Meeting. The delegate may cast a certain number of votes based upon the direct member city's population as of the 2010 census; member cities may not split their votes. Each state municipal league is entitled to cast a total of 20 votes by its delegate or delegates, and those votes may be split and distributed at the discretion of each state municipal league. Voting delegates must be present to vote. Proxies are not permitted.

After a brief presentation of the Resolutions Committee's report, the Annual Business Meeting's Presiding Officer will call for adoption of NMP amendments and resolutions as proposed by the Resolutions Committee. Amendments to each chapter will be considered in the order in which those chapters appear in the NMP. Motions from the floor to amend the Resolutions Committee's recommendations require a majority vote for passage. Final adoption of amendments to the NMP requires a two-thirds vote of voting delegates.

Policy proposals not submitted by the Resolutions Committee may be presented by petition to the NLC Federal Advocacy team. Such petitions must be received by 10:00 AM on the day of the Annual Business Meeting – Saturday, November 18. Petitions must carry the text of the proposal and printed names, titles and signatures of 10 certified voting delegates with their respective cities and states. The petition must receive a majority vote of the voting delegates to be accepted for floor consideration, and all proposals to amend or adopt the NMP and all separate resolutions require a two-thirds vote for final approval. Petitioners should complete the packet that can be found [here](#).

The Official Rules of Conduct and the NLC Bylaws shall govern the conduct of the Annual Business Meeting. In the event that procedural matters arise that are not addressed by the Official Rules or Bylaws, Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition shall govern the conduct of the meeting.

**For further information about this process prior to City Summit or to contact the NLC staff for a Federal Advocacy Committee, contact Dion Taylor at 202-626-3064 or [taylor@nlc.org](mailto:taylor@nlc.org).**

**During City Summit, please contact the Federal Advocacy staff at the Policy Office located in the Georgia World Congress Center, Room C106**



*Proposed Policy Amendments and Resolutions of the*

**Human Development  
Federal Advocacy Committee**

**HD**

Only sections of the *NLC National Municipal Policy (NMP)* where modifications are proposed are reproduced in this report. The complete text of the current *NMP*, divided into seven policy chapters, can be found at [nlc.org/national-municipal-policy](http://nlc.org/national-municipal-policy)

Please note:

- Proposed new language is underlined;
- Proposed language for deletion is struck out; and
- Existing, unchanged language is shown as plain text.

Policy:

- **Section 4.08 Health**
  - L. Nutrition
  - M. Sexual Harassment and Assault
  - N. Racism
  - O. One Health Initiative

## Section 4.08 Health

NLC supports universal access to health care. Universal access will improve standard health indicators such as maternal and infant mortality rates, life expectancy, and immunization rates of the young against preventable diseases. It can also eliminate disparities in treatment.

NLC believes that the federal government should:

- Control costs and reduce the rate of growth in health care expenditures and coverage costs;
- Ensure universal health care coverage;
- Maintain and improve Medicaid, Medicare, and the State-Children's Health Insurance Program (S-CHIP), SNAP, WIC, and promote school health clinics to expand access and availability of health care;
- Address disease management;
- Reimburse localities fully for the costs of services provided to Medicare, Medicaid, Tri-Care and Veterans Administration patients;
- Adequately fund a federal block grant program to enhance our public health planning, capacity building, and disaster response systems;
- Assist local public health departments to better address infectious diseases such as HIV/AIDS and influenza, and increase the number of health services personnel employed;
- Adequately fund community health centers, which play a critical role in providing uninsured and underinsured individuals with health care services; ~~and~~
- Apply the same laws and rules concerning health care coverage and insurance to cities and town as to any other employer; and
- Support policies and programs that achieve optimal health outcomes recognizing the interconnection between people, animals, plants, and their shared environment.

In addition, NLC urges the federal government to:

- Enhance access to health care by expanding telemedicine and virtual health options, particularly in rural areas;
- Provide funding for outreach and application assistance to uninsured individuals;
- Fund and support increased access to behavioral health programs and services;
- Fund block grant and categorical grant programs for health, such as the Maternal and Child Health Services Program, the Preventive Health and Health Services Block Grant, funding for community health centers and health programs for Native Americans, Migrants and Refugees;
- Require employers to cover the costs of health insurance for laid off workers and their dependents, as well as the creation of subsidized health insurance pools for workers without employment-based coverage;
- Provide funding for programs which offer transitional care and home health care services;
- Expand preventive health care programs for the poor; and
- Pay the Consolidated Omnibus Budget Reconciliation Act (COBRA) premiums for people with catastrophic terminal illnesses who have left their jobs and cannot afford to pay the health insurance premium.

## L. Nutrition

Federal nutrition programs play a critical role in helping low-income families improve their overall nutrition, health, and development.

The federal government should:

- Strengthen federal nutrition program access and supports participation by under-resourced children, ensuring nutrition quality and simplifies program administration and operation;
- Lower area eligibility test to 40 percent to allow more low-income communities to provide summer meals;
- Allow nonprofits and local governments to provide meals year-round seamlessly through the Summer Food Service Program;
- Increase school breakfast and school lunch reimbursement rates to match the recommended rates of the U.S. Department of Agriculture's School Nutrition and Meal Cost Study;
- Expand WIC research in under-resourced communities;
- Extend certification periods to two years for infants and postpartum women for those in the WIC program;
- Provide flexibility for SNAP, including the ability to streamline administration and application processes with other social service programs and waiving work requirements to meet the individual needs of residents and ensuring local flexibility to provide access to all residents, including returning citizens;
- Streamline the Disaster Supplemental Nutrition Assistance Program (D-SNAP) operations to increase the ability of individuals to pre-register for benefits as soon as possible after a disaster strikes, support the streamlining of easy-to-administer SNAP waivers that would allow for automatic replacement of benefits for SNAP households, and expand funding to ensure application assistance for individuals to receive D-SNAP quickly; and
- Permanently implement policy improvements for federal nutrition programs that were made in response to COVID-19 including but not limited to creating the Pandemic Electronic Benefit Transfer (P-EBT) program and alternative delivery models.

## **M. Sexual Harassment and Assault**

The federal government should take meaningful action to prevent sexual harassment for all individuals, regardless of gender or sexual orientation including:

- Adopting improved reporting practices as an example for cities to follow; and
- Provide support to programs and initiatives that create pathways to healing as well as direct resources towards training, counseling and other appropriate measures that address both prevention efforts and resources for survivors of sexual violence and harassment.

## **N. Racism**

Racism results in disproportionate impacts on the lives of Black, Indigenous, LatinX, Asian and other People of Color and is a driving force of social determinants of health, such as housing, education, neighborhood conditions, environmental conditions, and employment, and is a barrier to health equity.

The federal government should:

- Recognize racism as a public health crisis;

- Appropriate significant resources towards policy, programs and practices (i.e. Housing, Education, Nutritious Food, Transportation, Employment, Legal system, etc.) that work to address social determinants of health and end racism in our country, so race is no longer the strongest predictor of one's success; and
- Ensure that disaggregated data by race is made available to provide a clear and accurate picture of disparate effects and outcomes to BIPOC communities.

#### **O. One Health Initiative**

Cities depend on the health and vitality of their inhabitants, reliable access to sufficient quantities of wholesome food and clean water, clean air, and the ecosystem services that support them and support integrated decision-making in the context of the *One Health Initiative*.

The federal government should adopt legislation and practices that address human health, animal health, and ecological health in an integrated fashion and support local efforts to monitor and control public health threats.

# *Proposed HD Resolutions*

NLC Resolutions are annual statements of position that sunset at the end of the calendar year unless action is taken. The committee must review each of the 2023 resolutions that originated in the HD Committee to determine recommendations for 2024. The committee has the following options:

1. Renew the resolution for the coming year (with or without edits)
2. Incorporate the resolution into permanent policy; or
3. Let the resolution expire.

The HD resolutions that were approved for 2023 at City Summit with recommendations for 2024 are:

<b>Resolution</b>	<b>HD Committee Recommendation</b>
<b>NLC RESOLUTION 2023-23:</b> In Support of Action by the Centers for Disease Control and Prevention (CDC) to Study and Address Violence in America	Renew with Edits
<b>NLC Resolution 2023-24:</b> In Support of Comprehensive Immigration Reform	Renew with Edits
<b>NLC Resolution 2023:</b> In Support of Efforts to Prevent Sexual Harassment and Assault	Expire – Incorporate into Policy
<b>NLC Resolution 2023-26:</b> In Support of Reauthorization of the Workforce Innovation and Opportunity Act and Increased Investment in Workforce Development Programs	Renew with Edits
<b>NLC Resolution 2023-27:</b> Addressing Systemic Racism as a Public Health Crisis	Expire – Incorporate into Policy
<b>NLC Resolution 2023-28:</b> In Support of the One Health Initiative	Expire – Incorporate into Policy
<b>NLC Resolution 2023-29:</b> In Support of Nutrition and Food Security Programs	Expire – Incorporate into Policy
<b>NLC Resolution 2023-30:</b> In Support of a National Holiday Commemorating the Accomplishments and Legacy of Cesar Estrada Chavez and Dolores Huerta	Renew
<b>NLC Resolution 2023-31:</b> In Support of the Equality Act	Renew with Edits
<b>NLC Resolution 2023-32:</b> In Support of Mothers in the Workforce	Renew with Edits
<b>NLC Resolution 2023-33:</b> In Support of Equal Pay for Women	Renew with Edits

NLC RESOLUTION 2023-23

IN SUPPORT OF ACTION BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) TO STUDY AND ADDRESS VIOLENCE IN AMERICA

HD Committee Recommendation: Renew with edits

**WHEREAS**, ~~in 2020, approximately 71,000 persons died of violence-related injuries in the United States of which the majority (58.4%) were suicides, followed by homicides (31.3%), deaths of undetermined intent (8.2%), legal intervention deaths (1.3%) (i.e., deaths caused by law enforcement and other persons with legal authority to use deadly force acting in the line of duty, excluding legal executions), and unintentional firearm deaths (<1.0%)<sup>1</sup>; and young men, generally, and African American males, specifically, are dying at an alarming rate due to homicides, 13 times higher than non-Hispanic white youth<sup>[1]</sup>, and is the number one cause of death for 15-24 year old African American males<sup>[2]</sup>, and~~

**WHEREAS**, ~~over the last 10 years, domestic terrorism-related investigations have grown by 357%<sup>2</sup>; and~~

**WHEREAS**, ~~over half of women and almost 1 in 3 men have experiences sexual violence involving physical contact in their lifetimes<sup>3</sup>; and~~

**WHEREAS**, approximately 1 in ~~54~~ women and nearly 1 in ~~130~~ men have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of intimate partner violence (IPV)-related impact, and over ~~43-61~~ million women and ~~38-53~~ million men have experienced psychological aggression by an intimate partner in their lifetime; ~~and;~~

**WHEREAS**, family and domestic violence affects an estimated 10 million people every year and ~~1-in-15~~ 10% of children is exposed to domestic violence and intimate partner violence each year; ~~and~~

**WHEREAS**, studies show that LGBTQ+ people, especially youth, are at a higher risk of attempting suicide and 17 percent of gay and lesbian youth, 9 percent of bisexual youth, and 21 percent of transgender youth have been threatened with a weapon on school property; and

**WHEREAS**, youth violence is an adverse childhood experience (ACE) and can ~~hand~~ have a long-term impact on health and well-being. 1 in 5 high school students reported being bullied on school property in the past year and homicide is the third leading cause of death for young

<sup>1</sup> <https://www.cdc.gov/mmwr/volumes/72/ss/ss7205a1.htm>

<sup>2</sup> <https://www.gao.gov/blog/rising-threat-domestic-terrorism-u.s.-and-federal-efforts-combat-it>

<sup>3</sup>

[https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html#:~:text=Sexual%20violence%20is%20comm on.&text=One%20in%204%20women%20and,harassment%20in%20a%20public%20place](https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html#:~:text=Sexual%20violence%20is%20common.&text=One%20in%204%20women%20and,harassment%20in%20a%20public%20place)

40 people ages 10-24. Each day, approximately 12 young people are victims of homicide and almost  
41 1,400 are treated in emergency departments for nonfatal assault-related injuries<sup>4</sup>; and –  
42

43 **WHEREAS**, the rise in violent crime, including gun violence, in communities across the country  
44 is putting a considerable strain on local government resources; and  
45

46 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities is declaring  
47 violent crimes a public health crisis and calls upon the United States Congress to direct the  
48 Centers for Disease Control and Prevention (CDC), whose primary responsibilities are to  
49 monitor public health, detect and investigate health problems, foster safe and healthy  
50 environments, and implement prevention strategies, to monitor, detect, and prevent violence in  
51 America; and  
52

53 **BE IT FURTHER RESOLVED** that the CDC develop a holistic intervention designed to  
54 address the health-related aspects and implications of violence; and  
55

56 **BE IT FURTHER RESOLVED** that the CDC continue collecting data disaggregated by race,  
57 ethnicity, sex, sexual orientation, religion, and gender identity and support prevention strategies  
58 that are tailored to impacted communities; and  
59

60 **BE IT FURTHER RESOLVED** that the Substance Abuse and Mental Health Services  
61 Administration (SAMHSA) continue to invest in early intervention models, including trauma-  
62 informed care and violence interrupter groups, and in studying and addressing the intersection  
63 between community violence/mental health/substance use in local communities; and  
64

65 **BE IT FURTHER RESOLVED** that Congress and the President increase funding for the  
66 Centers for Disease Control and Prevention in the federal budget to support data and indicators  
67 that will inform local strategy in cities and towns across our country as they address the issue of  
68 violence in their communities.

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<sup>4</sup> <https://youth.gov/youth-topics/violence-prevention/federal-data>



1 NLC RESOLUTION 2023-24

2  
3 IN SUPPORT OF COMPREHENSIVE IMMIGRATION REFORM

4  
5 HD Committee Recommendation: Renew with edits

6  
7 **WHEREAS**, historically, the cities and towns of the United States are a cultural mosaic of  
8 multiple cultures and nationalities based on our nation’s history of welcoming immigrants; and  
9

10 **WHEREAS**, when admitted through a well-regulated, timely and efficient system, immigrants  
11 strengthen the United States by creating economic opportunities, increasing America’s scientific  
12 and cultural resources, strengthening our ties with other nations, fulfilling humanitarian  
13 commitments, and supporting family ties and family values that are necessary to build strong  
14 communities; and  
15

16 **WHEREAS**, failure on the part of the federal government to simplify immigration procedures,  
17 reopen legal ports of entry for asylum seekers to deter illegal entrance, secure the borders, track  
18 visa recipients in the interior, or enforce worksite laws allows illegal immigration to thrive, with  
19 an estimated 11.3 million residents, 3.5% of the nation’s population, living and/or working in the  
20 United States without legal authorization or proper documentation; and  
21

22 **WHEREAS**, more than 40 million people living in the United States are foreign-born of which  
23 23% are unauthorized immigrants, 27% are lawful permanent residents, and 77% are lawful  
24 immigrants; and  
25

26 **WHEREAS**, the worksite enforcement program does not adequately protect work visa holders  
27 from employer abuse or deter employers who willingly hire unauthorized workers because they  
28 face little likelihood that the federal government will investigate, fine, or criminally prosecute  
29 them; and it does not help employers who genuinely want to follow the law because their  
30 employee verification efforts are hindered by the extensive use of fraudulent documents; and  
31

32 **WHEREAS**, the lack of infrastructure and capacity at the federal level makes the federal  
33 government unable to adequately track visa-holders and permanent resident status, creates  
34 unacceptable application backlogs and long delays, which provide strong disincentives for  
35 foreign nationals to abide by the legal means to enter or remain in the country, and results in  
36 deleterious effects such as children aging out of parents’ applications and becoming  
37 undocumented, indefinite stagnation of career and life milestones, and inability to move freely  
38 across borders; and  
39

40 **WHEREAS**, the United States granted more than 900,000 visas in 2019, of which 300,424 were  
41 through temporary, unskilled worker programs (the H2-A and H2-B visas); and  
42

43 **WHEREAS**, output in the economy is higher and grows faster with more immigrants; and  
44

45 **WHEREAS**, the current immigration system inadequately addresses the growing numbers of  
46 individuals wishing entrance to the United States through a temporary work visa program or as  
47 legal permanent residents; and  
48

49 **WHEREAS**, roughly two-thirds of undocumented adult immigrants have lived in the United  
50 States for ten years or more, 1 million undocumented immigrants are children, and another 4.5  
51 million U.S.-citizen children have at least one undocumented parent; and these families are  
52 forced to live “underground,” unable to get drivers’ licenses or car insurance in most states,  
53 unlikely to obtain health insurance, and afraid to report crimes to local law enforcement; and  
54

55 **WHEREAS**, since immigrants are barred from most federal public assistance, the burden of  
56 providing social services, education, and health care falls to the state and local governments, who  
57 are increasingly feeling the fiscal impact of both documented and undocumented immigrants  
58 living in their communities; ~~and-~~  
59

60 **WHEREAS**, with the signing on the executive order, “Affording Congress an Opportunity to  
61 Address Family Separation”, the President called for modification of the 1997 *Flores v. Reno*  
62 court settlement to enable Immigration and Customs Enforcement (ICE) to detain families  
63 together longer than 20 days, resulting in nearly 2,000 children having been separated from their  
64 parents in a six-week time period, many of whom are being sent to cities and facilities across the  
65 country; and  
66

67 **WHEREAS**, with guidance from the U.S. Citizenship and Immigration Services (USCIS)  
68 updating policy for the accrual of unlawful presence of those in student (F nonimmigrant),  
69 exchange visitor (J nonimmigrant) or vocational student (M nonimmigrant), visa overstay  
70 penalties will include harsher penalties impacting students and families; and  
71

72 **WHEREAS**, with a reduced number of visas available through the H-2A program, which allows  
73 U.S. employers to bring foreign nationals to the United States to fill temporary agricultural jobs,  
74 many employers struggling to find qualified workers; and  
75

76 **WHEREAS**, the federal government has conducted raids in cities, towns and villages across the  
77 country, targeting undocumented immigrants ordered by courts to be removed from the country;  
78 and  
79

80 **WHEREAS**, there are 511,000 immigrant veterans in the United States of which, 94,000 are  
81 waiting to be naturalized and are at risk of deportation; and  
82

83 **WHEREAS**, the refugee resettlement goal was set in FY21 at the lowest since the passage of the  
84 Refugee Act of 1980, with a goal of 18,000, and then increased to 62,500 midyear, a level not  
85 able to be met in a short period of time without adequate support in place and still remaining  
86 below the historic average; and  
87

88 **WHEREAS**, current asylum seekers must first arrive at a U.S. port of entry without advanced  
89 approval to be considered as an asylum seekers and risk rejection at the border with no  
90 alternative; and

91  
92 **WHEREAS**, an increasing number of individuals from multiple countries seeking safety have  
93 been admitted to the U. S. in emergency situations as humanitarian parolees; and  
94

95 ~~**WHEREAS**, Title 42 continues to be used to prohibit entry of asylum seekers to the U.S. and~~  
96 ~~expel them to danger in other countries; and~~  
97

98 **WHEREAS**, the global refugee crisis the highest in history, with over 100 million forcibly  
99 displaced people worldwide, including 27.1 million refugees and 4.6 million asylum-seekers  
100 under international law<sup>+</sup>; and  
101

102 **WHEREAS**, with the passage of the Infrastructure Investment and Jobs Act, there is a pressing  
103 need to fill positions within the sectors that will build and maintain our nation's roads, bridges,  
104 water systems and broadband networks. But, hiring for infrastructure jobs is a significant  
105 challenge — the median infrastructure job takes 20% more time to fill than a non-infrastructure  
106 job.  
107

108 **NOW, THEREFORE, BE IT RESOLVED** that the federal government should have strong  
109 communication and coordination with local governments and provide ~~local governments~~ them  
110 with financial and technical assistance to alleviate the local impact of and ensure the success and  
111 productivity of new immigrants/refugees/asylees, including the costs of providing social  
112 services, housing, health care, education, language services, and civic integration; and  
113

114 **BE IT FURTHER RESOLVED**, that the federal government should work to ensure that  
115 asylees are granted work authorization while they await formal adjudication, so that that can  
116 house and care for themselves and their families and contribute to local economies; and  
117

118 **BE IT FURTHER RESOLVED** that the federal government enforce its current immigration  
119 laws equitably, humanely, consistently and timely to adequately staff ports of entry to reduce  
120 unauthorized entry at the borders, track visa overstays, working without proper documentation,  
121 and employing undocumented workers; and  
122

123 **BE IT FURTHER RESOLVED** that local personnel, such as police officers, fire inspectors,  
124 educators, health personnel and social service personnel, should not be conscripted into federal  
125 service because the federal government has not adequately funded and staffed its immigration  
126 enforcement agencies; and the federal government must not transfer the responsibility of  
127 enforcing U.S. immigration laws to local personnel by making undocumented status in the U.S. a  
128 criminal offense; and  
129

130 **BE IT FURTHER RESOLVED** that the federal government must strengthen its worksite  
131 enforcement capacity, safety programs and wage theft monitoring, ~~and dramatically increase~~  
132 ~~enforcement efforts at places of employment~~, as well as ~~providing~~ provide employers with a  
133 universal, reliable, effective, secure, non-discriminatory, and non-counterfeitable employee  
134 verification system, using the most up-to-date technology that will minimize fraud; and  
135

**BE IT FURTHER RESOLVED** that the federal government must increase its capacity and infrastructure, including the speed of processing, funding levels and number of judges, to enforce the laws and provide efficient means for foreign nationals to obtain legal authorization for visas or legal permanent residency as well as to be processed when making a border crossing; and

**BE IT FURTHER RESOLVED** that the federal government must update its policies to provide an appropriate, streamlined legal means of immigration and change status according to life milestones, as is determined to be necessary and effective for the United States, for undocumented immigrants, non-immigrant foreign nationals that want to visit or work here temporarily, or immigrant foreign nationals that want to become legal permanent residents, or gain citizenship, as well as clearly define penalties and consider impacts to students and families for harsh penalty policies for visas overstays; and

**BE IT FURTHER RESOLVED** that the federal government should reexamine its policies regarding seasonal workers given its impact on local business and the economic vitality of cities and towns across America; and

**BE IT FURTHER RESOLVED** that NLC supports establishment of a process whereby undocumented immigrants currently living in the United States may earn legalized status through payment of appropriate fees and back taxes, background checks, absence of criminal or gang activity, consistent work history, and meeting civics requirements; and that the immigrants who have earned such legal status should also be able to apply for citizenship through additional processes, as appropriate and practical, as long as they do not move ahead of applicants with proper documentation waiting to adjust their status or those waiting on lists in their home countries; and

**BE IT FURTHER RESOLVED** that the federal government should consider the negative impact of U.S. Immigration and Customs Enforcement raids on local economies and communities, including public safety and social services resources; and

**BE IT FURTHER RESOLVED** that the federal government should ensure detention policies that do not inflict trauma upon vulnerable children and their families, creating additional financial burdens for mental health, education and family supports in cities across the country; and

**BE IT FURTHER RESOLVED** that NLC supports federal legislation like the “Dream Act” that can facilitate state efforts to offer in-state tuition to undocumented students and provide Dreamers with a path to U.S. citizenship; and

**BE IT FURTHER RESOLVED** that documented immigrants who have served honorably in the US Armed Forces should be given the ability to expedite their naturalization process without prejudice and should not be put at risk of being deported; and

**BE IT FURTHER RESOLVED** that the federal government should adopt (1) a definition of “stateless person” in line with international human rights standards, and (2) legal protections for those identified as stateless in the United States through a federal-level Stateless Status

182 Determination procedure based on the United Nation’s High Commissioner for Refugees  
183 Handbook on Protection of Stateless People, to ultimately provide stateless people a designated  
184 path to lawful status; and

185  
186 **BE IT FURTHER RESOLVED** that the federal government should be trained to provide  
187 language services and a clearly defined appeals process to asylum seekers who are denied entry  
188 into the United States; and

189  
190 **BE IT FURTHER RESOLVED** that the federal government should restore and increase the  
191 refugee resettlement allotments; and

192  
193 ~~**BE IT FURTHER RESOLVED** that the federal government should end Title 42 expulsions of~~  
194 ~~asylum seekers; and~~

195  
196 **BE IT FURTHER RESOLVED** that Congress must act to increase legal immigration by  
197 raising the employment-based visa program caps to expand the pool of qualified individuals for  
198 hard-to-fill jobs across our nation’s communities - from truck drivers and heavy equipment  
199 operators to agricultural workers, nurses, and engineers, and other positions.

NLC RESOLUTION 2023-25

IN SUPPORT OF EFFORTS TO PREVENT SEXUAL HARASSMENT AND ASSAULT REFORM

HD Committee Recommendation: Expire – Incorporate into Policy

~~WHEREAS, according to the Equal Employment Opportunity Commission and the Centers for Disease Control and Prevention, 1 in 4 women and 1 in 7 men are victims of severe physical violence by an intimate partner; 1 in 5 women and 1 in 71 men are raped in their lifetime; 1 in 5 women report harassment by a boss and 1 in 4 were harassed by a coworker; 1 in 6 women and 1 in 19 men were stalked in their lifetime; 81% of women experienced verbal harassment; 25% say they have received lewd texts or emails<sup>[13]</sup>; lesbian, gay and bisexual people experience sexual violence at similar or higher rates than their heterosexual; and~~

~~WHEREAS, according to the Department of Justice, one in two transgender individuals are sexually abused or assaulted at some point in their lives; and~~

~~WHEREAS, approximately 3 out of every 4 employees who experience harassment never report it, and 75% of employees who spoke out against workplace mistreatment suffered some form of retaliation<sup>[14]</sup>; and~~

~~WHEREAS, the groundbreaking anti-assault and women's empowerment movement #MeToo upended the public conversation around harassment issues across the world; and~~

~~WHEREAS, the United States Congress has recognized the importance and impact of this movement, evidenced by the introduction of 194 bills related to sexual harassment during the 115th Congress; and~~

~~WHEREAS, the U.S. Senate passed S. 2952, and the U.S. House of Representatives passed H.R. 4924, both of which call for the amendment of the Congressional Accountability Act of 1995 to establish protections against congressional sexual harassment and discrimination, taking clear action for harassment experienced within the halls of Congress; and~~

~~WHEREAS, the U.S. Justice Department has recognized the importance and impact of this movement, evidenced by the announcement of the Sexual Harassment in the Workplace Initiative, focusing on workplace sexual harassment in the public sector<sup>[15]</sup>; and~~

~~WHEREAS, local governments are not immune to the challenges and threats that reports of sexual harassment can pose to workplace safety and culture as well as to the public trust.~~

~~NOW, THEREFORE, BE IT RESOLVED~~ that the National League of Cities (NLC) calls upon the federal government to take meaningful action to prevent sexual harassment for all individuals, regardless of gender or sexual orientation, and to adopt improved reporting practices as an example for cities to follow; and

47 ~~**BE IT FURTHER RESOLVED**~~ that NLC supports the intention and vision of the #MeToo  
48 movement and calls on Congress to provide support to programs and initiatives that create  
49 pathways to healing as well as direct resources towards training, counseling and other  
50 appropriate measures that address both prevention efforts and resources for survivors of sexual  
51 violence and harassment.

NLC RESOLUTION 2023-26

IN SUPPORT OF REAUTHORIZATION OF THE WORKFORCE INNOVATION AND  
OPPORTUNITY ACT AND INCREASED INVESTMENT IN WORKFORCE  
DEVELOPMENT PROGRAMS

HD Committee Recommendation: Renew with edits

**WHEREAS**, in 2014 Congress signed into law the Workforce Innovation and Opportunity Act (WIOA) with overwhelming bipartisan support, the largest single source of federal funding for workforce development activities; and

**WHEREAS**, WIOA reauthorizes the Workforce Investment Act (WIA), which replaced the Job Training Partnership Act (JTPA), and established the system of one-stop career centers for access to training and employment services for a full range of workers, including youth, to help them access good jobs of the 21st century in local and regional industries; and

**WHEREAS**, WIOA allows for the greater use of sector partnerships, career pathway models and higher levels of accountability; and

**WHEREAS**, WIOA reflects the growing recognition that in order to adequately address the skills needs of workers, jobseekers, and employers, we must do a better job of coordinating across multiple education, training, and supportive service programs; and

**WHEREAS**, ongoing ~~S~~state and local implementation of WIOA (29 U.S.C. 3101 et seq.) provides unprecedented opportunities to develop the skills of workers in the United States through access to effective workforce education and training, including the development and delivery of proven strategies such as sector partnerships, career pathways, integrated education and training, work-based learning and paid internships; and

~~**WHEREAS**, during these unprecedented times, it is clearer than ever that workers need skills now to access open positions. Out of the nearly 60 million people who have filed for unemployment since March, more than 40 percent<sup>[16]</sup> have been workers who earn less than \$40,000 a year; and~~

~~**WHEREAS**, the global crisis has disproportionately impacted workers without any education past high school, workers who already needed access to skills prior to the pandemic. Workers with a high school degree or less have been displaced at nearly three times<sup>[17]</sup> the rate as those with a bachelor's degree; and~~

~~**WHEREAS**, workers of Color, particularly women of color, have shouldered the greatest job losses due to their concentration in low-wage service industries that have been hardest hit<sup>[18]</sup> by the economic downturn; and~~

~~**WHEREAS**, for local small business, the economic disruption from the first months of the pandemic alone could cause 1.4 million to 2.1 million of them to close for good<sup>[19]</sup>; and~~



~~WHEREAS, minority-owned small businesses, which employ more than 8.7 million workers, are most vulnerable because they are disproportionately represented in sectors that are most likely to see permanent closures, such as storefront retail, bars and restaurants, travel and hospitality; and~~

~~WHEREAS, in 2018, programs authorized under WIOA:—~~

~~1. Served nearly 6,000,000 young people—~~

~~2. Exceeded employment targets across programs—~~

~~3. Helped more than 1,500,000 individuals, including English language learners, gain skills and credentials to help the individuals succeed in the labor market—~~

WHEREAS, the public workforce system and partner programs provide a pathway into 21st century jobs that support families while ensuring that businesses in the United States find the skilled workforce needed to compete in the global economy; and

WHEREAS, businesses need skilled workers — people trained for jobs in growing industries like healthcare, medical technology, IT and software, and advanced manufacturing – as well as plumbers and electricians, and WIOA allows for greater local control of business outreach and ability to react to business needs; and

WHEREAS, the United States invests less than all other developed countries, except Mexico, in workforce development, and over the past two decades has cut investments by 40%, and does not support local workforce development at the levels necessary to ensure cities across the country can prepare workers for the impact of automation, technology and AI on the workplace; and

WHEREAS, analysis of city expenditures<sup>5</sup> at the two-year anniversary of the American Rescue Plan Act found that larger cities invested more than \$637.3 million in workforce development programs through that program alone; and

WHEREAS, as cities across America work to strengthen their economic standing and competitiveness and ~~respond and recover from the COVID-19 pandemic~~work to implement the Infrastructure Investment and Jobs Act, CHIPS and Science Act and Inflation Reduction Act, we must build strong, equitable workforce development systems that can support the increased demand; and

WHEREAS, key areas to consider include supporting and scaling pathways to employment, equity and access, and the impact of emerging technologies; and

WHEREAS, registered apprenticeships have an 80-year history which has been marked by a recent increase in funding and expansion. With additional shifts in prioritizing apprenticeships in WIOA and the increased awareness of these potential pipelines to employment, apprenticeships continue to increase in number and expand into new and emerging industries including health, technology (IT), finance and transportation; and

---

<sup>5</sup> <https://www.nlc.org/resource/unlocking-possibilities-how-cities-are-using-arpas-state-and-local-fiscal-recovery-funds-after-two-years/>

91  
92 **WHEREAS**, WIOA calls for the prioritization of service for all U.S. Department of Labor-  
93 funded job training programs for veterans and eligible spouses, including access to Jobs for  
94 Veterans State Grants (JVSG) and the National Dislocated Worker Grants (DWG) program for  
95 transitioning service members and their spouses.

96  
97 **NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls  
98 upon the United States Congress to enact a five-year reauthorization of WIOA that will provide  
99 certainty needed to deliver programming; and

100  
101 **BE IT FURTHER RESOLVED** that NLC calls upon the United States Congress to increase  
102 funding to WIOA programs across all titles to ensure a robust investment in skills training,  
103 business engagement and increased economic development in communities across America; and

104  
105 ~~**BE IT FURTHER RESOLVED** that NLC calls upon the United States Congress to~~  
106 ~~immediately invest at least \$15 billion in our nation's workforce development system as a~~  
107 ~~supplemental measure to ensure that our nation's workforce development system can respond to~~  
108 ~~the increased demands associated with COVID-19; and~~

109  
110 **BE IT FURTHER RESOLVED** that NLC supports clearer guidance on how WIOA can be  
111 used locally to support apprenticeship programs, including through the use of industry or sector  
112 partnerships and by supporting pre-apprenticeship programs for workers with barriers to  
113 employment; and

114  
115 **BE IT FURTHER RESOLVED** that NLC supports increasing employment opportunities for  
116 veterans, transitioning service members and their families, and urges Congress to provide  
117 increased funding to WIOA Title I employment and training programs to provide for adequate  
118 investment in job training and adult education for this critical population in our cities, towns and  
119 villages.

NLC RESOLUTION 2023-27

ADDRESSING SYSTEMIC RACISM AS A PUBLIC HEALTH CRISIS

HD Committee Recommendation: Expire – Incorporate into Policy

~~WHEREAS, racism is rooted in the foundation of America, beginning with enslavement of Africans in 1619 and attempted genocide of Indigenous people and including early examples of racism such as the Chinese Exclusion Act and state-sanctioned violence against LatinX people such as the Porvenir massacre. There are numerous examples of racism in the history and present of the United States; much of the Black experience in America has been endured under slavery and Jim Crow which allowed preferential opportunities for white people while subjecting Black, and Indigenous people to hardships and disadvantages in every area of life and Asian and LatinX people have experienced racism and violence, including the forcible relocation and incarceration of Asian Americans in internment camps during World War II, and forced deportation of American citizens with Mexican heritage during the Great Depression; and~~

~~WHEREAS, health disparities have existed in America for more than 400 years—we now are witnessing a coronavirus pandemic which is shining a light upon the stark inequities that result from generations of structural and systemic racism. Black, Indigenous, LatinX, Asian, and other People of Color are disproportionately impacted because of long-standing racism in every system, unaddressed health disparities and other socioeconomic inequities across class lines; and~~

~~WHEREAS, COVID-19 is killing Indigenous and LatinX people at 2.4 times the rate of white people, and Black people at 2 times the rate of White people<sup>2</sup>. Asian and Pacific Islander communities are experiencing racist violence and treatment due to xenophobic rhetoric related to the virus; and~~

~~WHEREAS, racism is a system of power and oppression. A system of structuring opportunity and assigning value based on the social interpretation of how one looks (which is what we call “race”), that unfairly disadvantages People of Color, unfairly advantages white individuals and communities, and saps the strength of the whole society through the waste of human resources; and~~

~~WHEREAS, there is clear data to illustrate that racism results in disproportionate impacts on the lives of Black, Indigenous, LatinX, Asian and other People of Color and that racism can be seen across systemic, institutional and interpersonal levels—all operating over the course of time and across generations. An increasing number of local leaders are declaring racism as a public health crisis in cities, towns and villages across the country<sup>[21]</sup>; and~~

~~WHEREAS, racism is a driving force of social determinants of health, such as housing, education, neighborhood conditions, environmental conditions, and employment, and is a barrier to health equity<sup>[22]</sup>. For example, lending practices of the 20th century known as “redlining” and the current limitations and access to healthy, nutritious food, reduced life expectancy, increased~~

45 rates of lead poisoning, limited access to clean water, and higher rates of infant mortality  
46 demonstrate the current impact of racism; and—

47  
48 ~~WHEREAS, Black people in the United States face higher rates of chronic disease than White~~  
49 ~~people<sup>[23]</sup>, Black women are nearly four times as likely to die of pregnancy-related causes than~~  
50 ~~White women<sup>[24]</sup> and Black people are more likely to die at early ages of all causes<sup>[25]</sup>; and—~~  
51

52 ~~WHEREAS, the privileges that white Americans experience inhibits them from fully~~  
53 ~~understanding how racism impacts BIPOC people in America—for example the performance of~~  
54 ~~simple tasks like driving while Black, walking in neighborhoods or just going to a park come~~  
55 ~~with certain risk not experienced by others—life events like getting a job, purchasing a home,~~  
56 ~~buying a car, or just raising a family come with barriers that other cultures don't experience;~~  
57 ~~and—~~  
58

59 ~~WHEREAS, the American Public Health Association, the American Medical Association, the~~  
60 ~~American Academy of Pediatrics, and the American Academy of Emergency Physicians have~~  
61 ~~declared institutional racism as a public health crisis.—~~  
62

63 ~~NOW, THEREFORE, BE IT RESOLVED~~ that the National league of Cities (NLC)  
64 recognizes racism as a public health crisis and calls on Congress to appropriate significant  
65 resources towards policy, programs and practices (i.e. Housing, Education, Nutritious Food,  
66 Transportation, Employment, Legal system, etc.) that work to address social determinants of  
67 health and end racism in our country, so race is no longer the strongest predictor of one's  
68 success; and—  
69

70 ~~BE IT FURTHER RESOLVED~~ that NLC calls on Congress to ensure that disaggregated data  
71 by race is made available to provide a clear and accurate picture of disparate effects and  
72 outcomes to BIPOC communities.

NLC RESOLUTION 2023-28

IN SUPPORT OF THE ONE HEALTH INITIATIVE

HD Committee Recommendation: Expire – Incorporate into Policy

~~WHEREAS, cities depend on the health and vitality of their inhabitants, reliable access to sufficient quantities of wholesome food and clean water, clean air, and the ecosystem services that support them; and~~

~~WHEREAS, government plays an important role in coordinating efforts to preserve and maintain those resources; and~~

~~WHEREAS, policymakers are challenged to make sense of complex inter relationships among human health, animal health, and ecological health, and pressed to conform with decision-making models that often isolate those critical connections and shorten planning horizons; and~~

~~WHEREAS, cities' economic, social, and environmental well being—the “triple bottom line” whereon environmental stewardship, economic prosperity, and social responsibility intersect—depends on our ability to integrate diverse interests through unified long range planning, and to engage and inform policymakers and practitioners about critical interdependent needs; and~~

~~WHEREAS, the *One Health Initiative*<sup>1361</sup> is a collaborative, multisectoral, and transdisciplinary approach—working at the local, regional, national, and global levels—to achieve optimal health outcomes recognizing the interconnection between people, animals, plants, and their shared environment; and~~

~~WHEREAS, leaders in local government are ideally suited as partners in that responsibility; and~~

~~WHEREAS, successful adoption and implementation of the *One Health Initiative* will be predicated on the leadership, communication skills, and cooperation of its advocates; and~~

~~WHEREAS, *One Health* topics that pertain to local government include the costs and organizational structure of public health services; pandemic preparedness; health education; adaptation to climate change; animal control and vaccination requirements; transportation and land use planning affecting public wellness; water quality protection; waste management; energy choices; food safety and regional food systems; ecological protection, restoration, and monitoring; homeland security and bioterrorism; measures of economic trends and workforce preparedness relative to sustainable practices; health, healthcare costs; investments in telehealth and the digital divide; and absenteeism of personnel; and~~

~~WHEREAS, facilitating communication among increasingly specialized experts will improve health outcomes for communities through increased awareness of connections between climate variability, food production, and infectious diseases; cross-species contagion (zoonoses), and human and animal health conditions; and demands on municipal infrastructure and services; and~~

47  
48 ~~WHEREAS, climate change will affect energy costs, the frequency and severity of floods, fires,~~  
49 ~~wind events, heat waves, and other extreme weather conditions; coastal development and~~  
50 ~~building standards; incidence vector borne illnesses; crop production; habitat loss; endangerment~~  
51 ~~and extinction of species; and human illness; and~~

52  
53 ~~WHEREAS, cities can only thrive if they remain attractive and livable, with sufficient quantities~~  
54 ~~of clean water, clean air, efficient, affordable buildings, healthful food choices, healthy food~~  
55 ~~animals, strong public health systems, and leaders who are committed to cooperative long range~~  
56 ~~planning for a sustainable future.~~

57  
58 ~~NOW, THEREFORE, BE IT RESOLVED~~ that the National League of Cities supports  
59 integrated decision making in the context of the *One Health Initiative* and calls on the federal  
60 government to adopt legislation and practices that address human health, animal health, and  
61 ecological health in an integrated fashion and support local efforts to monitor and control public  
62 health threats.

NLC RESOLUTION 2023-29

IN SUPPORT OF NUTRITION AND FOOD SECURITY PROGRAMS

HD Committee Recommendation: Expire – Incorporate into Policy

~~WHEREAS, federal nutrition programs play a critical role in helping children in low-income families improve their overall nutrition, health, development, and academic achievement. These programs support the development of our next generation workforce; and~~

~~WHEREAS, the Child and Adult Care Food Program (CACFP) provides healthy meals and snacks that support good nutrition and prepares children to learn at school and in high-quality child-care settings; and~~

~~WHEREAS, the afterschool and summer nutrition programs provide meals and snacks at schools, parks, recreation centers, libraries, nonprofit organizations, and others often provide nutritious food and educational enrichment and physical activities in low-income communities; and~~

~~WHEREAS, the National School Lunch Program and the School Breakfast Program play an essential part in reducing hunger, improving nutrition, and supporting learning for millions of children. School meals will be an important tool as schools work to overcome the learning loss students had due to the COVID-19 pandemic; and~~

~~WHEREAS, the Supplemental Nutrition Assistance Program (SNAP) provides nutrition benefits to supplement the food budget of low-income families so they can purchase healthy food and combat nutrition insecurity while moving towards self-sufficiency; and~~

~~WHEREAS, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides nutritious food and nutrition education to low-income, at-risk pregnant and postpartum mothers, infants, and young children.~~

~~NOW, THEREFORE, BE IT RESOLVED~~ that the National League of Cities (NLC) calls upon the United States Congress to strengthen federal nutrition program access and supports participation by under-resourced children, ensuring nutrition quality and simplifies program administration and operation; and

~~BE IT FURTHER RESOLVED~~ that Congress should lower area eligibility test to 40 percent to allow more low-income communities to provide summer meals; and

~~BE IT FURTHER RESOLVED~~ that Congress should allow nonprofits and local governments to provide meals year-round seamlessly through the Summer Food Service Program<sup>[1]</sup>; and

~~BE IT FURTHER RESOLVED~~ that Congress increase school breakfast and school lunch reimbursement rates to match the recommended rates of the U.S. Department of Agriculture's School Nutrition and Meal Cost Study<sup>[11]</sup>; and

**~~BE IT FURTHER RESOLVED~~** that the federal government should expand WIC research in under resourced communities; and-

**~~BE IT FURTHER RESOLVED~~** that Congress should extend certification periods to two years for infants and postpartum women for those in the WIC program; and-

**~~BE IT FURTHER RESOLVED~~** that Congress should continue to provide flexibility for SNAP, including the ability to streamline administration and application processes with other social service programs and waiving work requirements to meet the individual needs of residents and ensuring local flexibility to provide access to all residents, including returning citizens; and

**~~BE IT FURTHER RESOLVED~~** that Congress should help streamline the Disaster Supplemental Nutrition Assistance Program (D-SNAP) operations to increase the ability of individuals to pre-register for benefits as soon as possible after a disaster strikes, support the streamlining of easy-to-administer SNAP waivers that would allow for automatic replacement of benefits for SNAP households, and expand funding to ensure application assistance for individuals to receive D-SNAP quickly; and

**~~BE IT FURTHER RESOLVED~~** that NLC urges Congress to permanently implement policy improvements for federal nutrition programs that were made in response to COVID-19 including but not limited to creating the Pandemic Electronic Benefit Transfer (P-EBT) program and alternative delivery models.-



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**WHEREAS**, César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona on a family farm and Dolores Huerta was born on April 10, 1930 in Dawson, New Mexico; and

**WHEREAS**, at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest after a bank foreclosure resulted in the loss of the family farm and ultimately left school to work full-time as a farm worker to help support his family; and

**WHEREAS**, Dolores Huerta received an associate teaching degree from the University of the Pacific's Delta College; and

**WHEREAS**, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years; and

**WHEREAS**, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization to coordinate voter registration drives and conduct campaigns against discrimination in east Los Angeles. He later served as their national director; and

**WHEREAS**, Dolores Huerta began her career as an activist when she co-founded the Stockton chapter of the Community Service Organization and later founded the Agricultural Workers Association; and

**WHEREAS**, in 1962, César Estrada Chávez and Dolores Huerta founded the National Farm Workers Association, which eventually became the United Farm Workers of America; and

**WHEREAS**, under their leadership, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect; and

**WHEREAS**, the union's efforts brought about the passage of the landmark 1975 California Agricultural Labor Relations Act, which sought justice and guaranteed certain protections for farm workers; and

**WHEREAS**, the influence of César Estrada Chávez and Dolores Huerta extends far beyond agriculture and provides inspiration for those working to better human rights, empower workers, and advance the American Dream; and

47 **WHEREAS**, 10 States and dozens of communities across the United States honor the life and  
48 legacy of César Estrada Chávez and Dolores Huerta on March 31st of each year; and  
49

50 **WHEREAS**, during his lifetime, César Estrada Chávez was a recipient of the Martin Luther  
51 King, Jr. Peace Prize and posthumously awarded the Presidential Medal of Freedom; and  
52

53 **WHEREAS**, Dolores Huerta received the Eleanor Roosevelt Human Rights Award and the  
54 Presidential Medal of Freedom; and  
55

56 **WHEREAS**, President Barack Obama proclaimed “César Chávez Day” on March 31 of every  
57 year as a United States commemorative holiday to support public observance of the contributions  
58 of Cesar Chavez to the United States.  
59

60 **NOW, THEREFORE, BE IT RESOLVED** the National League of Cities calls upon the United  
61 States Congress to declare a national holiday celebrating the life and legacy of César Estrada  
62 Chávez and Dolores Huerta.

## NLC RESOLUTION 2023-31

**IN SUPPORT OF THE EQUALITY ACT**

## HD Committee Recommendation: Renew with Edits

**WHEREAS**, the National League of Cities (NLC) opposes discrimination on the basis of race, color, religion, national origin, ancestry, disability, age, sexual orientation, gender identity and sex; and

**WHEREAS**, the member cities of NLC respect the fundamental dignity of all people and want to see all members of our communities able to participate fully in society; and

**WHEREAS**, there are 298 states where LGBTQ+ Americans are not fully protected from discrimination, including in credit, education, employment, housing, government funded programs, jury service and public accommodations such as stores, restaurants, and transportation services; and

**WHEREAS**, the current state and local patchwork of laws about non-discrimination creates uncertainty and unpredictability for businesses operating across multiple states; and

**WHEREAS**, the member cities of NLC agree that as Americans, everyone should have the freedom and opportunity to work hard, earn a living, provide for their families, and contribute to their communities; and

**WHEREAS**, 76% of Americans support a policy of non-discrimination against their LGBTQ+ neighbors; and

**WHEREAS**, The Equality Act requires our nation’s civil rights laws to work in support of prohibiting discrimination based on sex, sexual orientation, and gender identity in areas including public accommodations and facilities, education, federal funding, employment, housing, credit, and the jury system and defines and includes sex, sexual orientation, and gender identity among the prohibited categories of discrimination or segregation.

**NOW, THEREFORE, BE IT RESOLVED** that NLC calls on Congress and the President to pass S. ~~393~~5/H.R. 15, The Equality Act, and provide full protections for Lesbian, Gay, Bisexual and Transgender individuals regardless of where they live in the United States.

1 NLC RESOLUTION 2023-32

2  
3 IN SUPPORT OF MOTHERS IN THE WORKFORCE

4  
5 HD Committee Recommendation: Renew with Edits

6  
7 **WHEREAS**, according to the U.S. Census Bureau’s 2018 American Community Survey,  
8 working mothers make up a significant portion of the labor force, accounting for nearly one-third  
9 of all employed women; and

10  
11 **WHEREAS**, according to the Center for American Progress, 64 percent of mothers are the  
12 primary breadwinners or co-breadwinners in their households and Women of color, and Black  
13 women in particular, are especially likely to play this role for their families. More than 8 in 10—  
14 84.4 percent—of Black mothers are breadwinners or co-breadwinners, as are 6 in 10—60.3  
15 percent—of Latinx mothers; and

16  
17 **WHEREAS**, women, and especially working mothers, bore the brunt of the economic fallout  
18 from the COVID–19 pandemic as a result of existing social barriers and policy failures such as  
19 the lack of a child care infrastructure, national paid leave policy and gender and racial pay  
20 inequity; and

21  
22 **WHEREAS**, according to the U.S. Chamber of Commerce, both men and women suffered a 3%  
23 drop in labor force participation at the height of the pandemic. But more than ~~two~~three years  
24 later, men have returned to work at a higher rate than women. Today, women’s labor force  
25 participation is still a full percentage point lower than it was pre-pandemic, meaning an  
26 estimated one million women are missing from the labor force; and

27  
28 **WHEREAS**, mothers in the prime of their working lives have paid an especially high price, with  
29 those ages 25 to 54 experiencing a 5.7-percentage point decline in employment since the  
30 COVID–19 pandemic began, compared to a 3.1 percentage-point decline for fathers in the same  
31 age group; and

32  
33 **WHEREAS**, work interruptions caused by school closures and child care closures have  
34 disproportionately impacted women, forcing women to reduce work hours, take a leave of  
35 absence, or permanently leave the workforce; and

36  
37 **WHEREAS**, the unprecedented burdens of balancing child care and work have strained the  
38 mental and emotional health of mothers; and

39  
40 **WHEREAS**, except for the United States, OECD countries offer a minimum of 6 weeks paid  
41 maternity leave and the average time off (regardless of pay equivalent) in approximately 18  
42 weeks; and

43  
44 **WHEREAS**, 1 in 3 women-owned business is owned by a mother, which translates to near 4.7  
45 million businesses; and  
46

47 **NOW, THEREFORE, BE IT RESOLVED** the National League of Cities calls on Congress to  
48 recognize, ~~rebuild~~empower, and support mothers who wish to return to the workforce in order to  
49 support local economic recovery including support for a minimum of 12 weeks paid maternity  
50 leave, the Child Care for Working Families Act (S. 1354/H.R. 2976) and the Black Maternal  
51 Health Momnibus Act ~~of 2021~~(S. 1606/H.R. 3305).

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**WHEREAS**, women of all ethnicities who are working full-time, year-round are paid an average of 82 percent of what a man is paid; and

**WHEREAS**, the disparities are even greater for Black, Native American, and Hispanic women, who are paid 63 percent, 60 percent, and 55 percent of white men’s wages, respectively; and

**WHEREAS**, while Asian American women make 87 percent of what white men make, the gap for Asian women varies significantly depending on subpopulation, with some Asian women – for example, Cambodian and Vietnamese women – earning among the lowest wages; and

**WHEREAS**, according to the U.S. Department of Labor, the pandemic stalled gains made toward closing the pay gap, and layoffs and a lack of child care have forced many women out of the workforce entirely; and

**WHEREAS**, while the Lilly Ledbetter Fair Pay Act was signed into law in 2009, which amends Title VII of the Civil Rights Act of 1964 and states that the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new paycheck affected by that discriminatory action, we must go farther.

**NOW, THEREFORE, BE IT RESOLVED** the National League of Cities calls on Congress to pass the Paycheck Fairness Act ([S. 728/H.R. 17](#)), which works to address ending pay discrimination.

## NLC BOARD OF DIRECTORS AND ORGANIZATION LEADERSHIP

# 2022-23 NLC Legal Advocacy

The National League of Cities (NLC) recognizes that an important part of its federal advocacy efforts takes place in the federal courts, which are responsible for much of the law affecting cities and their scope of authority, particularly at the U.S. Supreme Court. Engaging in legal advocacy is an essential component of protecting local control and achieving the mission and goals of the organization. As a founding member of the Local Government Legal Center (LGLC), NLC provides member-value by participating in coordinated legal advocacy efforts that present a strong and unified voice to the court regarding local government issues.

This memorandum provides a summary of the outcome and local impact for the cases that NLC has joined, and that were issued a decision, during the Supreme Court's 2022-23 term and the last calendar year in the lower federal courts.

## U.S. Supreme Cases Joined in the 2022-23 Term

### Sackett v. Environmental Protection Agency



5-4 decision for Sackett



Majority opinion by Justice Alito

The issue in this case was to determine the proper test for assessing whether wetlands are waters of the United States (WOTUS) under the Clean Water Act. NLC joined a brief in support of neither party that advocated to exclude local government infrastructure from the definition of WOTUS.

In their decision, the Court held the Clean Water Act extends only to wetlands that have a “continuous surface connection” with “waters” of the United States. The Court expressly discarded the “significant nexus” test from a previous case as “particularly implausible”. In a favorable result for NLC’s position, the Court’s decision narrowed the definition of WOTUS and as a result, some local infrastructure (such as water supply and treatment, flood control and stormwater management infrastructure) may now be excluded from the definition. Infrastructure that is not itself “waters” is likely excluded from the definition under this new ruling but local governments will need to await further EPA action as they go back to the drawing board and issue a new rule seeking to define “continuous surface connection.”

## National Pork Producers v. Ross



5-4 decision for Ross



Plurality opinion by Justice Gorsuch

The issue in this case was whether a California law regarding the standards of confinement for the in-state sale of pork from animals violated the “dormant” Commerce Clause and placed an undue burden on interstate commerce causing an impermissible “extraterritorial effect”. NLC joined a brief in support of the State of California’s position that there was no merit for an expansive new extraterritoriality doctrine which, if adopted, would have radically expanded the scope of the dormant commerce clause, and threatened a variety of local government regulations.

The Court determined that the California law did not violate the dormant Commerce Clause and rejected the position that a rule against state laws which has extraterritorial effects is unsupported in the Commerce Clause. The Court found in favor for Ross using the balancing test established in *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970), which says that if harm to out of state commerce is “clearly excessive in relation to the putative local benefits” then it should be in violation of the dormant Commerce clause per se, or by itself. This case was a win for local governments as the Court’s rejection of an expanded “extraterritoriality doctrine” did not impose new threats to local government regulations that are related to the dormant Commerce Clause.

## Health and Hospital Corp. of Marion County v. Talevski



7-2 decision for Talevski



Majority opinion by Justice Brown Jackson

The issue in this case was whether a private cause of action against state and local governments may be brought under the Federal Nursing Home Reform Act, which was enacted under Congress’s Spending Clause power. NLC joined a brief which argued that the Spending Clause does not permit implied private rights of action without explicit Congressional intent. It also presented an argument that judicially created implied rights of action that are not explicit in the legislation will expose state and local governments to conditions unknown at the time they agreed to receive federal dollars so they may choose to opt out of receiving or pursuing federal funds.

The Court held in their decision that recourse is available to private parties under Section 1983 for violations of the Federal Nursing Home Reform Act. Section 1983 of the U.S. Code is a federal law that provides a cause of action for those who have been subjected to constitutional violations by state or local government officials. This decision creates the potential for substantial Section 1983 litigation against local governments operating nursing homes. Additionally, the Court’s expansion of the application of “rights-creating” and “individual-centric language” under the principles of another ruling used to make this case’s decision may encourage Section 1983 litigation across a broader spectrum of federally funded state and local programs.



## Wilkins v. United States



6-3 decision for Wilkins



Majority opinion by Justice Sotomayor

The issue in this case was a legal procedural technical question of whether the Quiet Title Act's statute of limitations is a jurisdictional requirement or a claim-processing rule. NLC was a signatory on a brief that highlighted the relevance of this matter to local governments, as local governments often find themselves entangled in property disputes with the federal government and when these disputes arise, they are framed by the requirements of the Quiet Title Act. Therefore, as frequent Quiet Title Act litigants, local governments are greatly interested in ensuring the Act's statute of limitations is interpreted in a manner that facilitates efficient and fair resolution of disputes.

The Court held that the Quiet Title Act's 12-year statute of limitations is a claim-processing rule and not a jurisdictional requirement. This was a favorable decision for local governments since jurisdictional rules tend to disrupt litigation, whereas procedural rules tend to facilitate the litigation process. The Court's assessment that the statute of limitations under the Quiet Title Act is a procedural rule (claim processing rule), benefits local government landowners and as potential litigants or plaintiffs from an efficiency and legal process basis.

## 303 Creative v. Elenis



6-3 decision for 303 Creative



Majority opinion by Justice Gorsuch

The issue in this case was whether the creation and sale of a wedding website to the public is considered speech, protected under the First Amendment, or rather considered commercial activity, conduct that incidentally conveys speech, which would not be protected under the First Amendment. NLC joined a brief that argued that the court should not weaken local anti-discrimination efforts by creating exceptions to public accommodation laws. The brief also argued that any such exception would prove unworkable given how difficult it would be to determine what a custom or expressive business is.

The Court held that the First Amendment prohibits the state of Colorado from forcing a website designer to create expressive designs that convey messages which the designer disagrees with. The potential impacts of this ruling are fairly broad, as the decision opens the door for any business engaged in expressive activity to refuse to provide services to individuals regardless of antidiscrimination laws that would otherwise protect those individuals. The court has not defined the parameters of expressive activity. For local governments, one of the issues going forward will be to try to discern the contours of what businesses are engaged in speech and therefore potentially exempt from public accommodation laws. These exemptions may prove to be difficult for cities in their efforts to uphold and/or create local anti-discrimination ordinances.

## Moore v. Harper



6-3 decision for Harper



Majority opinion by Justice Roberts

The issue in this case was to determine if under the U.S. Constitution a state legislative body, independent of any constraints by state courts or other laws, has exclusive authority to regulate federal elections. This idea is the basis for the Independent State Legislature Theory (ISLT). NLC joined a brief that argued that the Supreme Court should reject the ISLT theory given the significant problems that the theory, if adopted, would create. A leading concern was that the adoption of the ISLT would create a two-tiered election system, one for federal elections where state legislatures could operate unchecked by state constitutions and state judicial review, and one for state elections where those normal checks are in place. Such a two-tiered system could have impacted everything from mail-in ballots and recounts, polling locations, voter ID requirements and emergency responses.

The Court held that the U.S. Constitution does not vest exclusive and independent authority in state legislatures to set the rules regarding federal elections, therefore rejecting the ISLT. They noted that state legislatures are bound by both the Federal Constitution and their own state constitutions, which created the state legislatures. Additionally, the Court found that judicial review has long been an accepted practice and under the precedents of the Court the Elections Clause authority of state legislatures is subject to checks and balances provided by the state constitution, therefore state legislatures are not wholly independent bodies. The Supreme Court's opinion kept the status quo, a positive outcome for local governments in their role with administering elections.

## United States v. Hansen



7-2 decision for United States



Majority opinion by Justice Coney Barrett

The issue in this case was whether a federal immigration law that prohibits "encouraging or inducing" illegal immigration for commercial advantage or financial private gain is unconstitutional under the First Amendment. NLC joined a brief that established the interests of local government in this matter due to the recent threats of prosecution under the federal immigration law in question, previous federal officials' expansive reading of the federal law and the Department of Justice's demonstrated capacity to incorporate aspects of these threats into annual grant certifications. The brief further argued that the federal law in question on its face jeopardizes local government interests to engage in a broad array of important and valuable immigration-related speech by chilling critical political speech and hampering their ability to provide a broad range of legitimate and important municipal services.

In an unfavorable decision to the position of the brief, the Supreme Court held the federal law was not unconstitutional under the First Amendment. Specifically, the Court found the federal law criminalizing "encouraging or inducing" illegal immigration—forbids

only the purposeful solicitation and facilitation of specific acts known to violate federal law and is not unconstitutionally overbroad. The Court did comment on the scope of the federal law, by saying the law at issue prohibits “encouraging or inducing” illegal immigration, but this is in reference to the specialized legal terms of solicitation and facilitation and these words should not be construed in their everyday meanings. Since the Supreme Court upheld the federal law that prohibited “encouraging or inducing” illegal immigration, local governments may be subjected to prosecution under this law if their policies and speech are not carefully limited to be seen as soliciting or facilitating illegal immigration in their communities.

### Groff v. DeJoy



9-0 decision for Groff



Majority opinion by Justice Alito

The issue in this case was to determine what is considered an “undue hardship” under Title VII of the Civil Rights Act of 1964, which rising to that level would excuse an employer from providing religious accommodations. Previously, courts relied on a standard for “undue hardship” as defined in a different decision as “any effort or cost that is ‘more than ...de minimis’”. De minimis refers to a standard meaning too trivial or minor to merit consideration. NLC joined a brief that underscored the good faith efforts local governments make to accommodate the religious beliefs and practices of their employees and that the de minimis standard in practice has real substance. The brief also set forth the burdens on local government if the Court were to adopt a more stringent standard and argued that precedent also compelled the Court to adhere to the current standard given the strong reliance interests that employers have had on the Court’s nearly 50-year decision.

In an unanimous decision, the Supreme Court provided that to demonstrate an “undue hardship” an employer must show “a burden is substantial in the overall context of an employer’s business,” which is burdensome on local governments. The court sent the case back to the Third Circuit to consider again, under this new defined standard. While the new opinion changes the standard of “undue hardship” which will likely result in new guidance from the Equal Employment Opportunity Commission (EEOC), the Court also agreed that “a good deal of the EEOC’s guidance in this area is sensible and will, likely, be unaffected by [its] clarifying decision. Local governments will need to review their employment policies and practices regarding religious accommodation, which may include training for managers. Additionally, they will need to wait for additional guidance from courts and the EEOC to determine what exactly constitutes “substantial costs.”

### Tyler v. Hennepin County



9-0 decision for Tyler



Majority opinion by Justice Roberts

The issue in this case was whether selling a home to satisfy a debt to the government and keeping the surplus value violates the Fifth Amendment’s Takings Clause. NLC joined a brief that argued that principles of federalism dictate that the Court should not

interfere with the administration of state taxes in cases where adequate procedural safeguards exist for the owner's property interest. The brief also pointed out the practical implications of a ruling in favor of the property owner, including the significant costs local governments incur in selling tax forfeited properties as well as the fact that such a ruling would provide a perverse incentive for property owners to abandon their properties rather than sell them as they would not need to bear those costs.

In a unanimous decision unfavorable to the position of the brief, the Supreme Court ruled that Hennepin County did violate the Takings Clause of the Fifth Amendment by keeping the surplus equity from selling the homeowners condominium after she failed to pay her property taxes. The violation occurred not with the sale of the property for failure to pay property taxes or when the county kept the tax debt (including interest and penalties), but rather, because the county kept the surplus equity. Under this ruling, local governments in states that allow for retention of the excess of a sale will need to ensure they are not keeping any surplus equity after the sale of a forfeited property. Even if the local government itself does not keep the surplus equity, if the former property owner is not able to get the surplus equity back, state and local governments may be liable for a Taking.

## **Lower Federal Court Cases Joined in 2023**

Lower federal courts do not operate under the same term as the Supreme Court. Below is a summary of the lower federal court cases joined in calendar year 2023.

### **Texas v. EPA | D.C. Circuit**

- A case regarding updated federal standards pertaining to the vehicle emissions standards applicable to cars produced in model years 2022-2026 which reduced the permissible greenhouse gasses ("GHGs") "tailpipe emissions" from these vehicles.
- The local government position in the amicus brief addressed the familiar climate concerns that have been addressed in previous cases on this matter: the impacts climate has on cities nationwide, and the role of cities as climate innovators is dependent, to some degree, on federal regulation to provide a predictable and helpful context to reduce GHGs. NLC has longstanding policy on these climate policies.

### **Texas v. United States | 5th Circuit**

- A case regarding the legality of the Deferred Action for Childhood Arrivals (DACA) Program.
- The local government position in the amicus brief addressed the economic benefits that DACA brings to communities across the country as well as the harm that a termination of DACA would have. NLC has longstanding policy on DACA.

### City of Huntington and Cabell County Commission v. AmerisourceBergen Drug Corporation, Cardinal Health Inc. and McKesson Corp. | 4th Circuit

- A case regarding the responsibility of drug distributing companies for the opioid epidemics in the local communities.
- The local position in the amicus brief focused on amplifying how the opioid epidemic, and public responses to it, have impacted local communities and called upon the resources of local government. NLC has longstanding policy of substance use, behavioral health and emergency response.

### Trumbull County v. Purdue Pharma LP | 6th Circuit

- A case regarding the responsibility of drug distributing companies for the opioid epidemics in the local community.
- The local position in the amicus brief focused on amplifying how the opioid epidemic, and public responses to it, have impacted local communities and called upon the resources of local government. NLC has longstanding policy of substance use, behavioral health and emergency response.

### Contacts

NLC's legal advocacy efforts are led by the organization's Federal Advocacy Department. For questions concerning NLC's advocacy efforts in the court system, please reach out to the following contacts below.

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