

Good Governance to Advance Health Equity:

Preemption & Equitable Implementation

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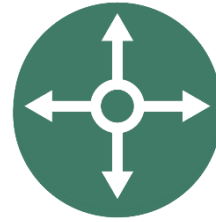


Our mission

Healthier communities
for all through equitable
laws & policies.



Agenda



Good Governance Overview



Preemption & Litigation as a Tool



Equitable Enforcement and Implementation



Application: Proactive Rental Inspections



Q & A

A Blueprint for Changemakers

changelabsolutions.org/blueprint



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Overview of the Blueprint



Our core strategies leverage our expertise to help communities dismantle the **five fundamental drivers of inequity**:



Structural discrimination



Disparities in political power



Income inequality and poverty



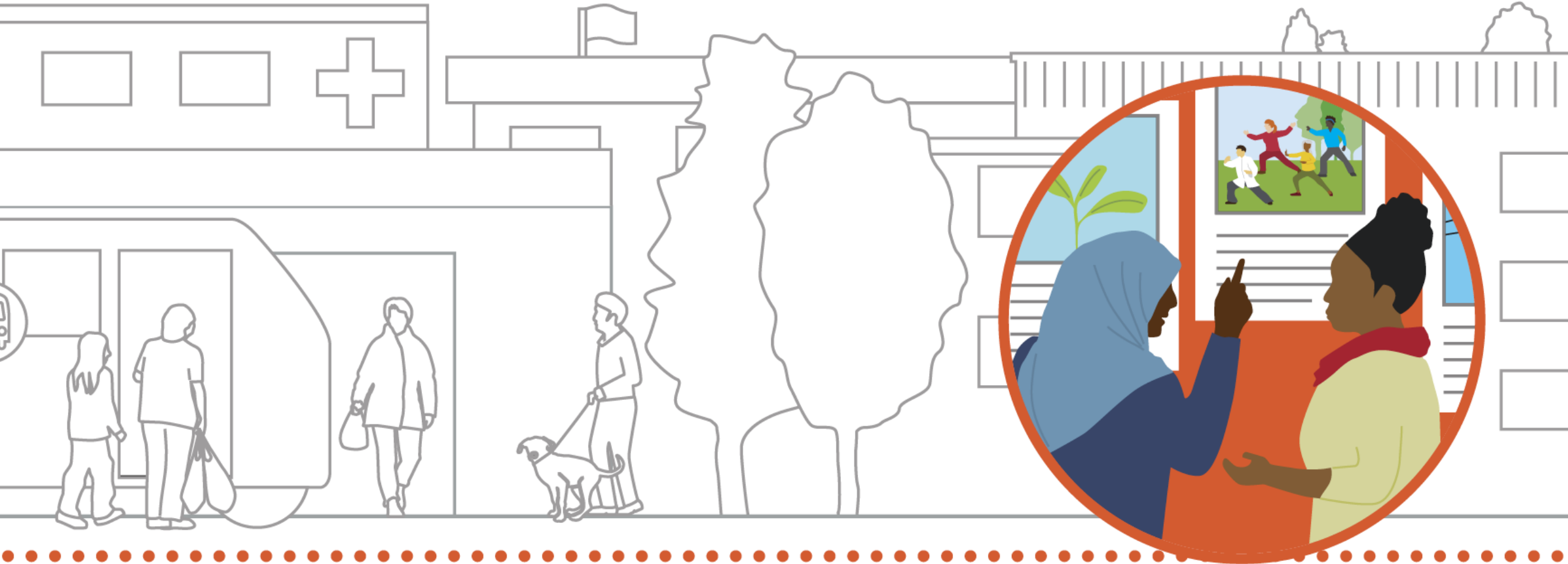
Governance that limits meaningful participation



Disparities in opportunity



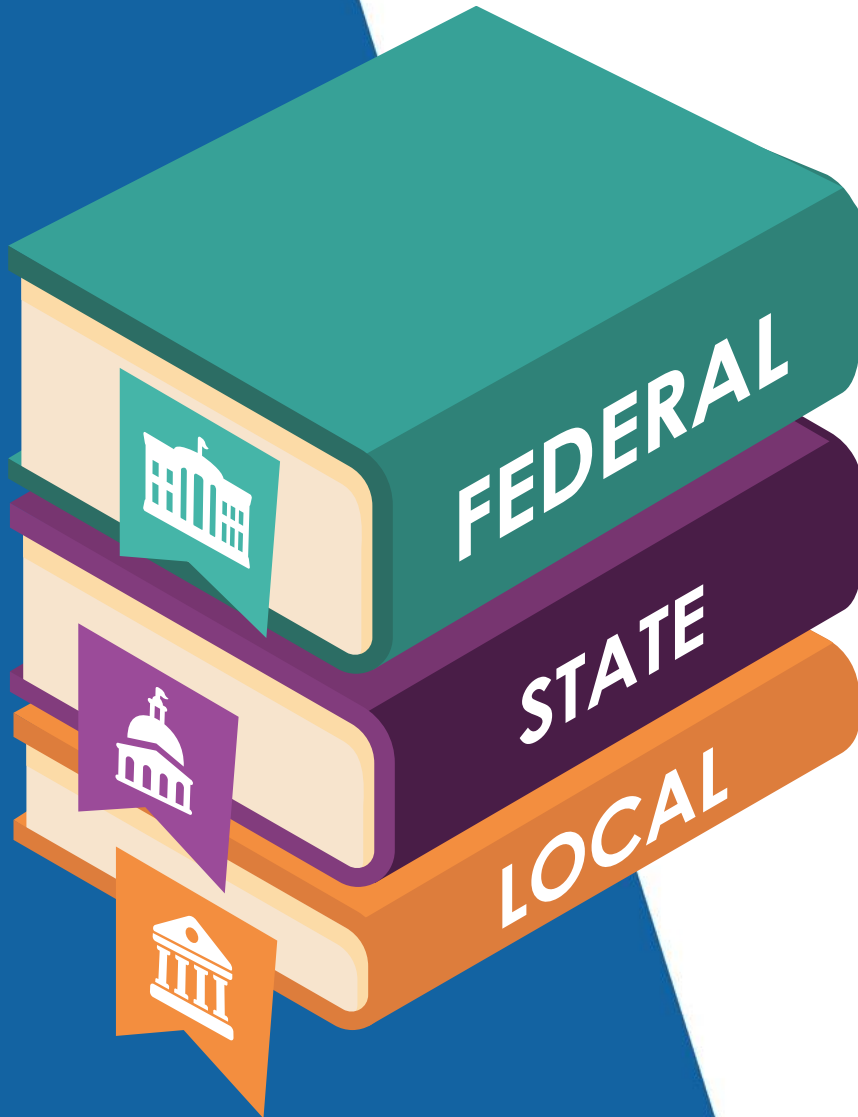
Good Governance



Preemption



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What is Preemption?

When the law of a higher level of government limits or invalidates the law of a lower level of government



"People who live in cities and towns want control over their own destinies," said National League of Cities CEO and Executive Director Clarence E. Anthony. "When states take away the ability of local leaders to make decisions, the values and will of the people are ignored."



Preemption isn't
universally
negative
or
inherently partisan

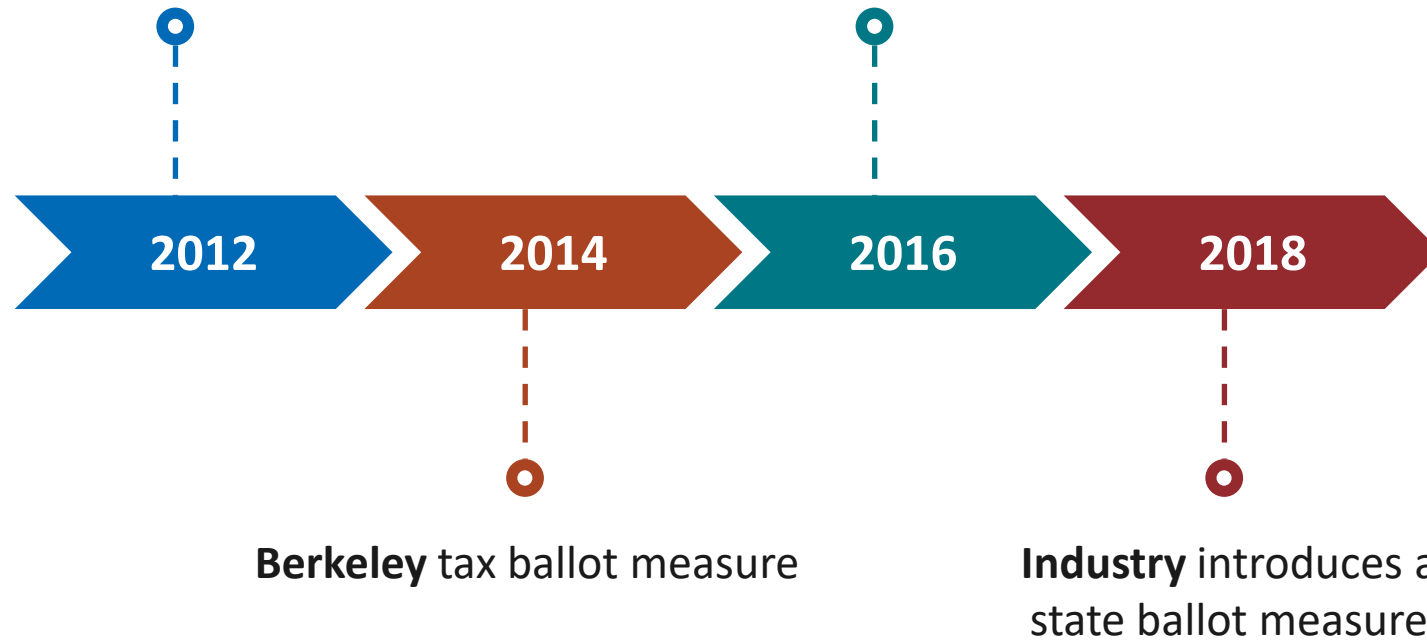


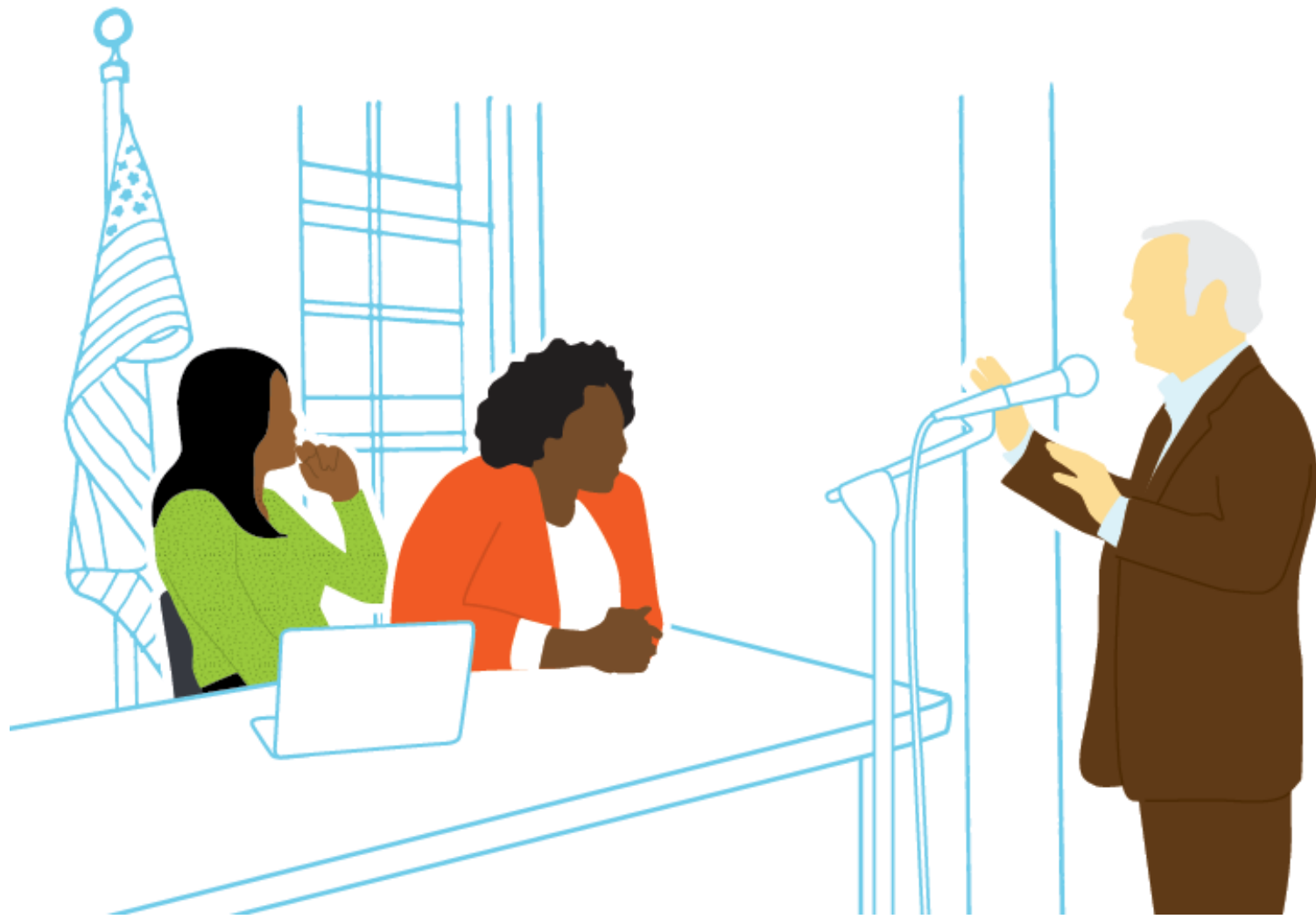
California
Sugary Drink
Tax
Preemption

Timeline

Richmond and El Monte
tax ballot measures

**San Francisco, Oakland &
Albany** tax ballot measures





Preemption Bill – AB 1838

AB 1838 elements

- Preempted all new sugary drink taxes until 2031
 - Existing taxes could remain in effect but not change
- Included a penalty provision
 - If a charter city enacted a tax and a court found that tax to be a valid exercise of the charter city's constitutional authority, the state could not administer the charter city's sales tax



Litigation Pushing Back

Lawsuit Victory

March 2023

Ruling Affirmed in California Sugary Drink Tax Preemption Lawsuit

Press Release: Court of appeal affirms that state cannot penalize charter cities for managing municipal affairs

FOR IMMEDIATE RELEASE



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Litigation as a strategy



**Litigation
can be
slow**



**Collaboration is
critical**



**The legal
issues can be
wonky**



**The role of
community**



Funding!



Equitable Implementation



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Equitable Implementation



The process of **ensuring** that laws and policies are **developed, enforced, and evaluated**, while **considering + minimizing harms to underserved communities**

Equitable
Enforcement
+
Public Health



Administrative



Civil



Criminal



Emergency



Inequitable enforcement

overenforcement &
underenforcement

Overenforcement

When laws designed to protect the health of the public are **disproportionately enforced** in or **disproportionately affect marginalized communities**



Underenforcement



When laws that are designed to protect communities from threats to health and economic security are **not consistently enforced**



Eviction, housing instability, and health

CASE STUDY

Seattle, WA

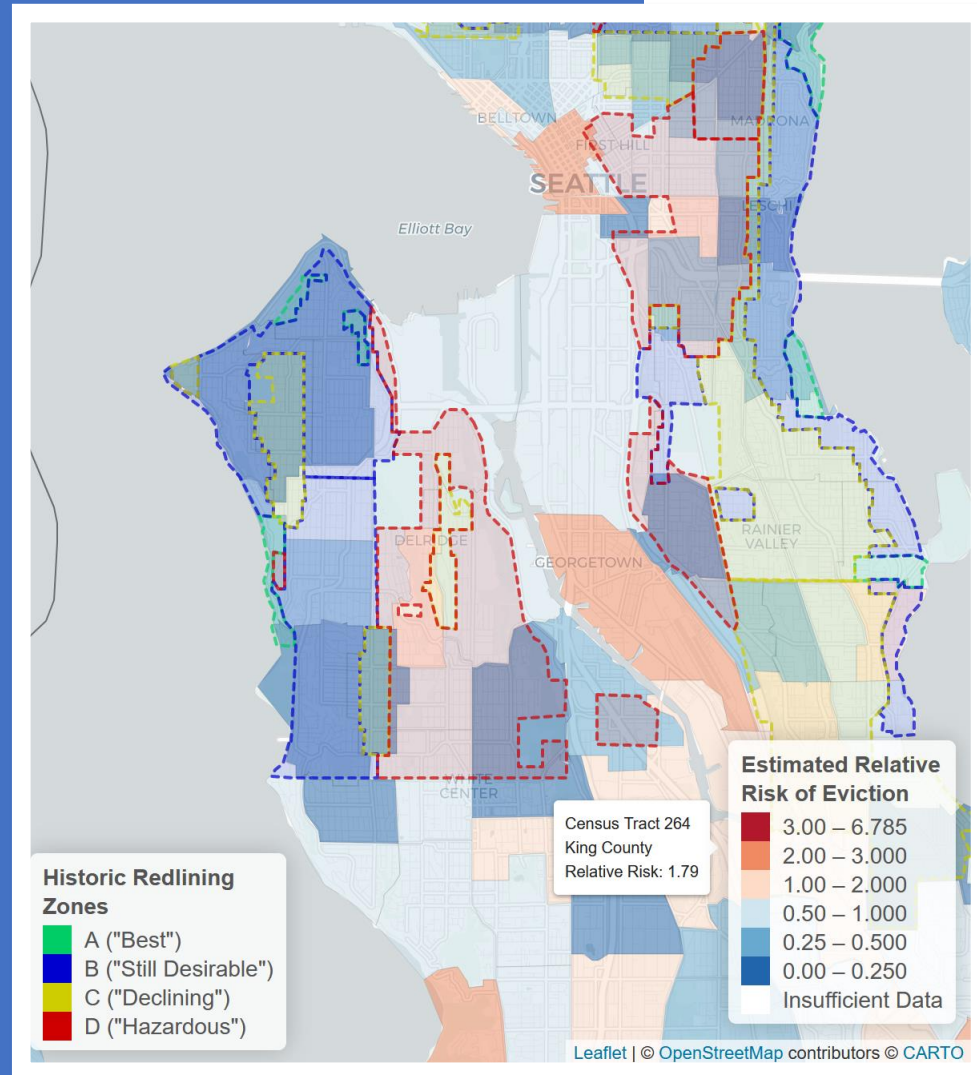
In 2020, researchers found:

- Women were more often evicted than men
- Black and Latine households were evicted more often than white households

Why? Multiple factors, including:

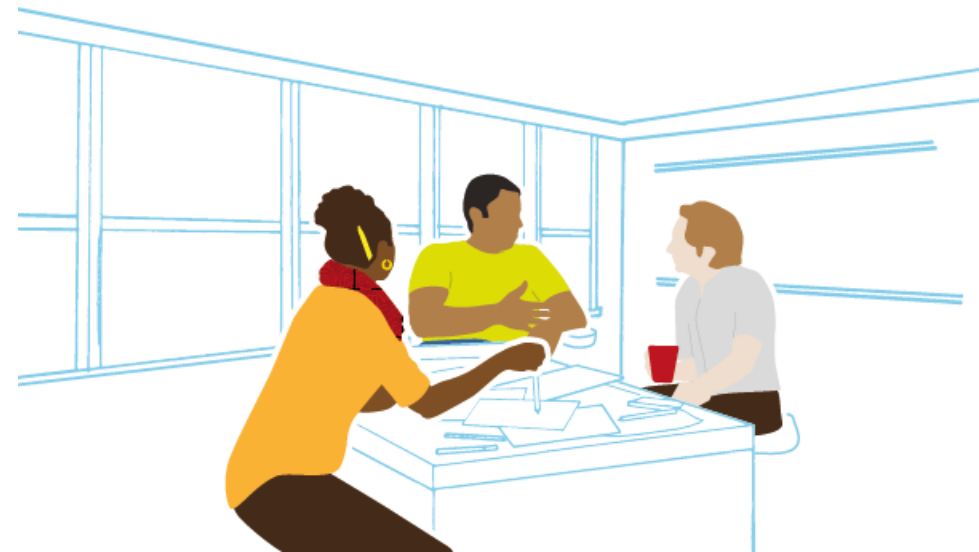
- Lack of availability of affordable housing
- Rising rents
- Rent burden on Black and Latine households

The highest risk of eviction often occurred in formerly redlined neighborhoods



Moving towards equitable implementation

- How can we design policies that achieve more equitable outcomes?
- How can we better understand the consequences of enforcing a policy?
- How can implementation strategies promote equitable outcomes?





- Proactive, systematic testing
- Public education for housing providers
- Proactive rental inspection
- Landlord repair funds
- Support for displaced tenants
- Right to counsel policies
- Increased funding for civil legal services
- Medical-Legal partnerships

Underenforcement

Equitable solutions



- Repeal chronic nuisance ordinances
- Decriminalize disability by decriminalizing homelessness
- Enact laws to ensure people with pertinent training respond to incidents involving people with mental health concerns
- Adopt policies mirroring and expanding VAWA protections (right to report)
- Invest in diversion programs to direct people to appropriate supportive services

Overenforcement

Equitable solutions

Strategies for Equitable Implementation

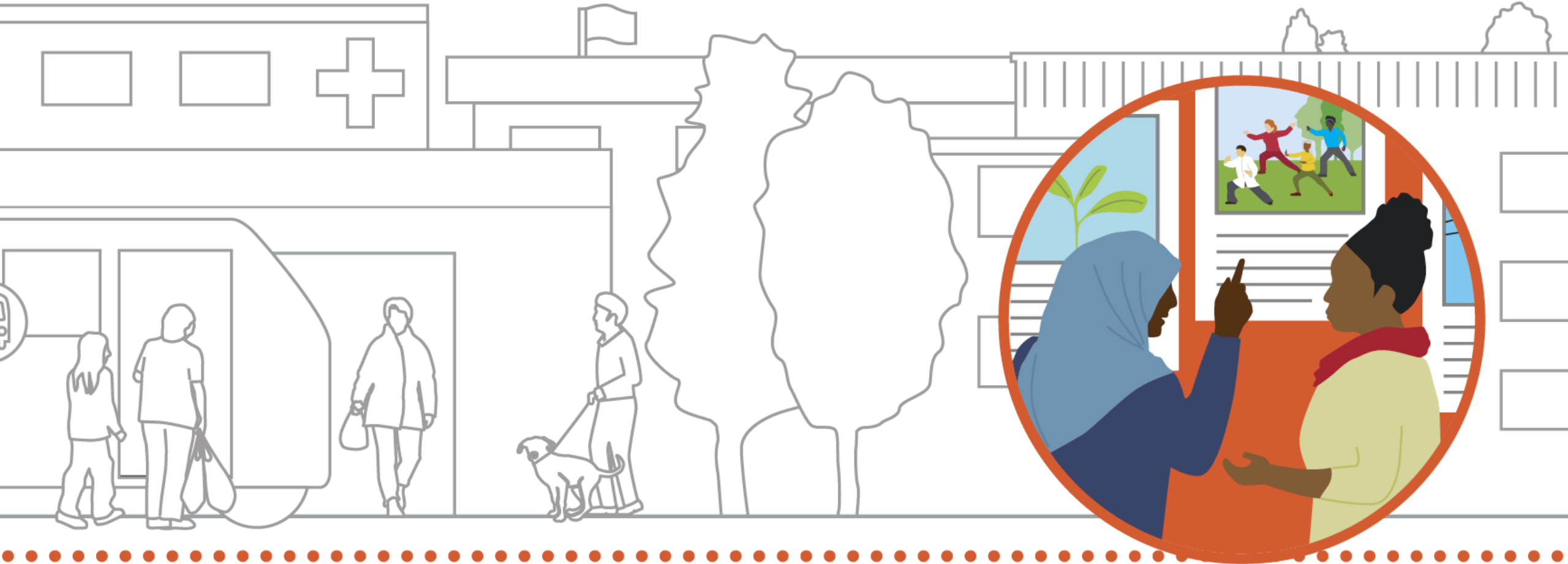
- **Involve affected** communities & groups
- **Change the culture** of enforcement
- **Develop cross-sector** or **interagency coordination** and partnerships
- **Mitigate harm** to affected communities



What's Next?

- Policy choices prioritize power and privilege
- Invest in solutions that reverse entrenched power dynamics and promote equitable implementation
- Build capacity for policy innovation and evaluation
- Equitable implementation is a tool that can promote health justice – in the housing context and beyond



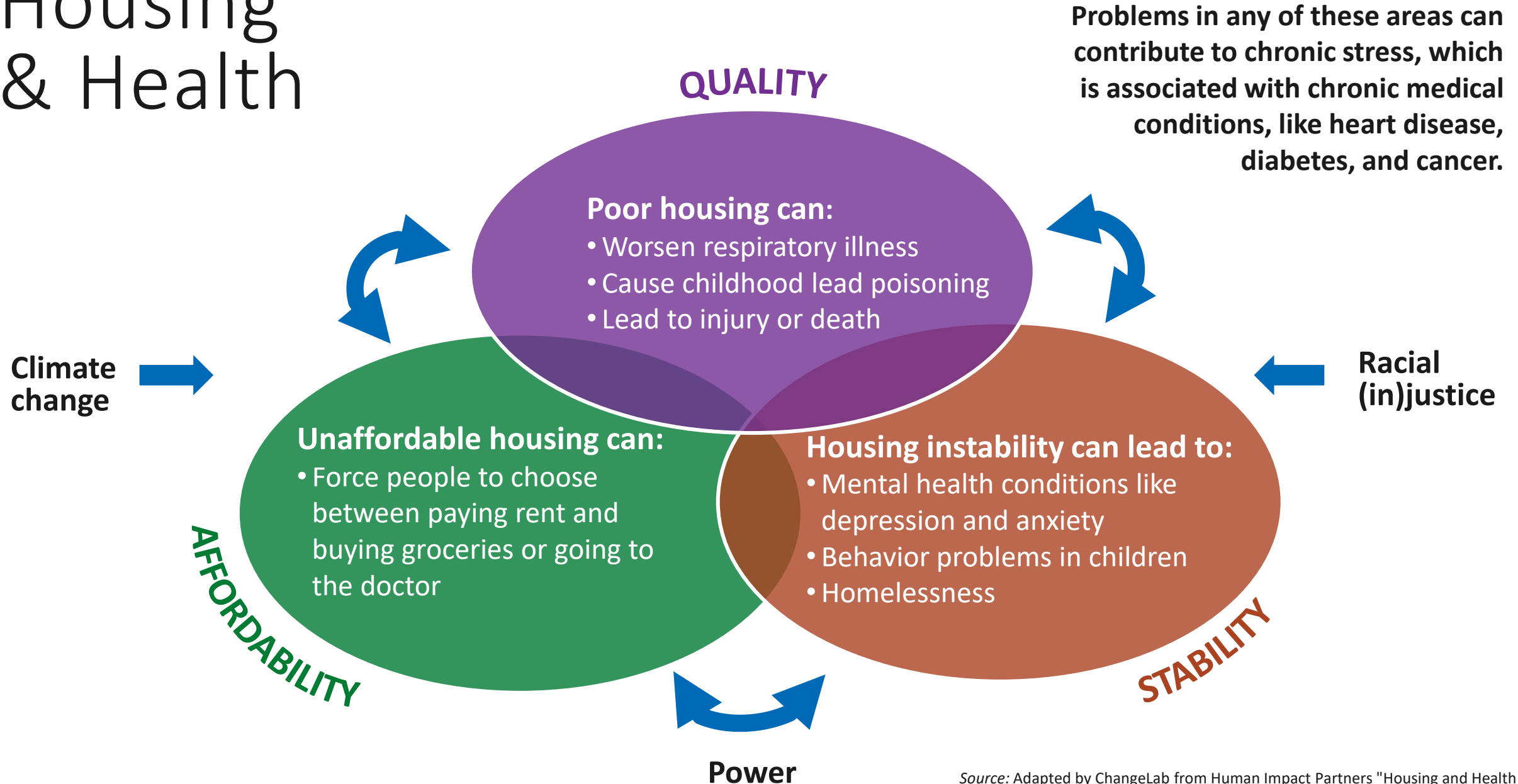


Proactive Rental Inspection: Equitable Implementation in Practice



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Housing & Health

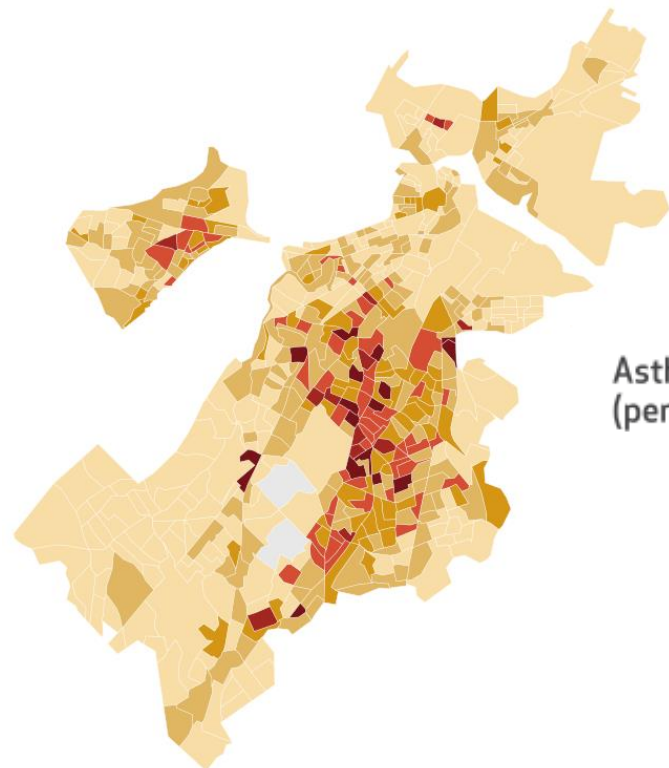


Housing codes & code enforcement

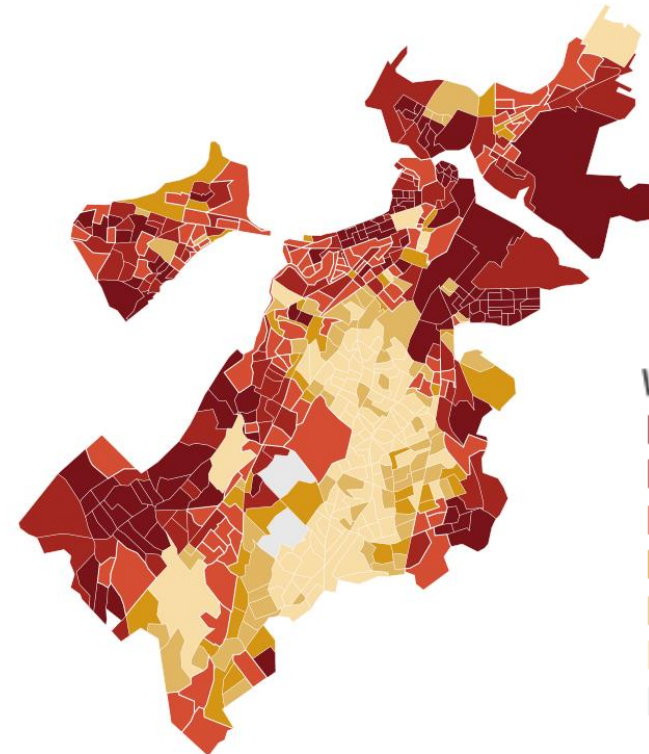
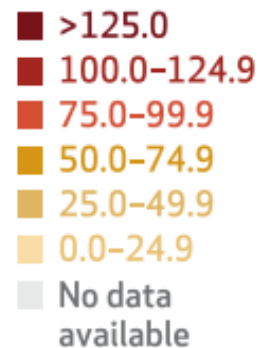
- **Promote the safety and habitability** of homes and advance the health and welfare of communities
- **Set minimum standards** for housing conditions that all rental housing must meet
- Traditionally enforced on a **complaint-basis**



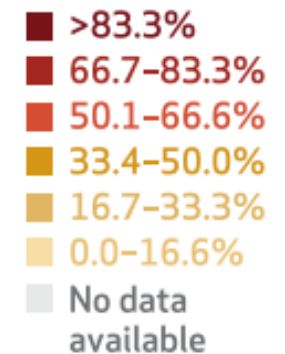
Case study: Boston, MA



Asthma trigger reports
(per 1,000 residents)



White residents



Source: Lemire, E., Samuels, E. A., Wang, W., & Haber, A. (2022).

Unequal housing conditions and code enforcement contribute to asthma disparities in Boston, Massachusetts.



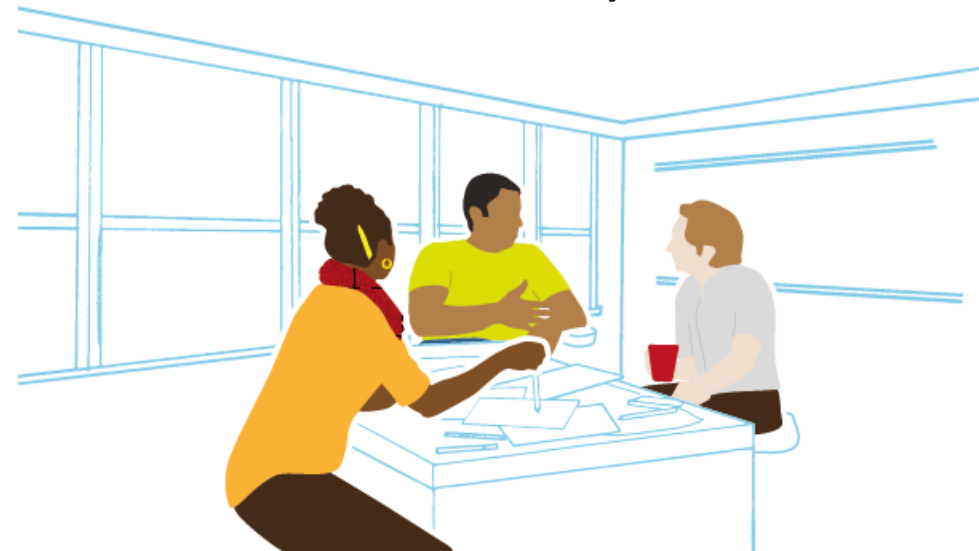
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Geographer Ruth Wilson Gilmore defines racism as ‘the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death.’ To ensure that their actions do not meet this definition, municipal governments must enact and strengthen enforcement policies to ensure that the risk from dangerous housing does not fall predominantly on marginalized populations or poor communities.”

Lemire, E., Samuels, E. A., Wang, W., & Haber, A. (2022)

Structural challenges in housing code enforcement

- Code enforcement has a history of being inequitably used as a tool to clear Black neighborhoods
- The process for responding to complaints of substandard housing often allows landlords to put off remediation through extensions and delayed re-inspection
- Tenants with the greatest needs may face structural barriers to using the complaint-based code enforcement system



Proactive Rental Inspection

Systematic, regular inspection of rental properties **improves tenant health and stability**



Proactive Rental Inspection

Systematic, regular inspection of rental properties **improves tenant health and stability**

Challenges

- **Overenforcement** can displace tenants and drive small landlords out of the market
- **Underenforcement** continues housing-related health harms disproportionately experienced by BIPOC and low-income tenants



Equitably enforcing PRI

- **Involve affected** communities & groups
- **Change the culture** of enforcement
- **Promote cooperation** with landlords through cooperative compliance
- **Develop cross-sector** or **interagency coordination** and partnerships
- **Mitigate harm** from enforcement



Equitably Enforcing PRI

Involve affected communities

- [Homes for All St Louis](#) built a coalition including tenants and government partners who co-designed improvements to housing code inspections and enforcement.
- The coalition adopted anti-displacement as a shared value and goal for housing code enforcement.

Equitably Enforcing PRI

Change the culture, promote cooperation, and develop cross-sector and interagency partnerships

- In Syracuse, NY, the code enforcement department pays community ambassadors to assist with inspections and to connect tenants and landlords with resources.
- .Code enforcement officers are trained to exercise enforcement discretion judiciously and follow a “cooperative compliance” model.

Equitably Enforcing PRI

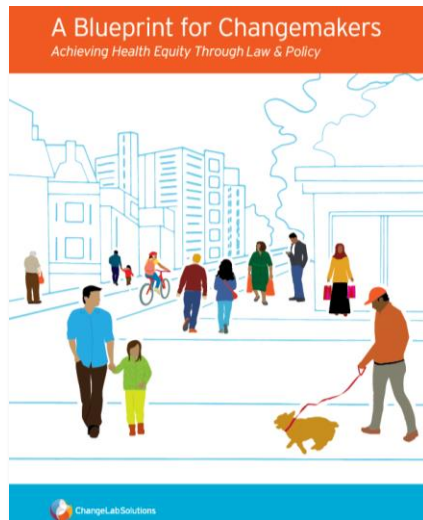
Mitigate harm

- Prevent landlords from passing on repair costs and protect tenants from sharp rent increases using rent control laws, rehabilitation assistance programs, and rent withholding mechanisms.
- Support tenants who are displaced from their housing by establishing funded tenant relocation assistance programs and adopting and enforcing laws that prohibit landlord retaliation.



PRI implementation should be guided by a shared value of promoting community health and well-being.

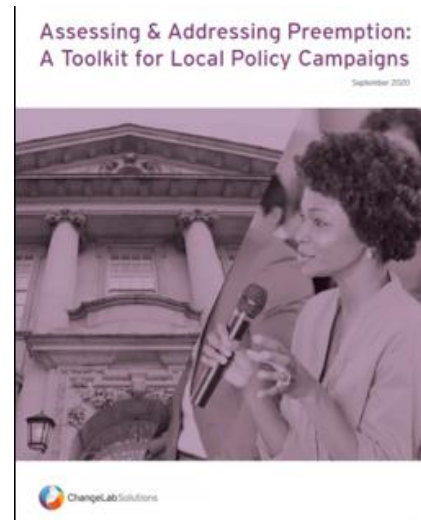
Preemption Resources



[Blueprint for Changers](#)



[Fundamentals of Preemption](#)



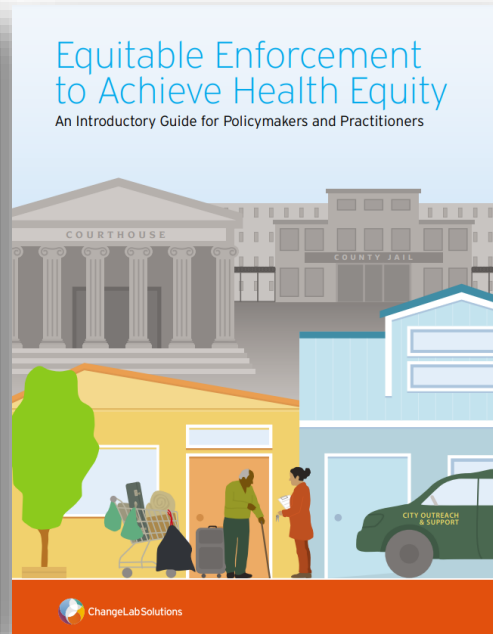
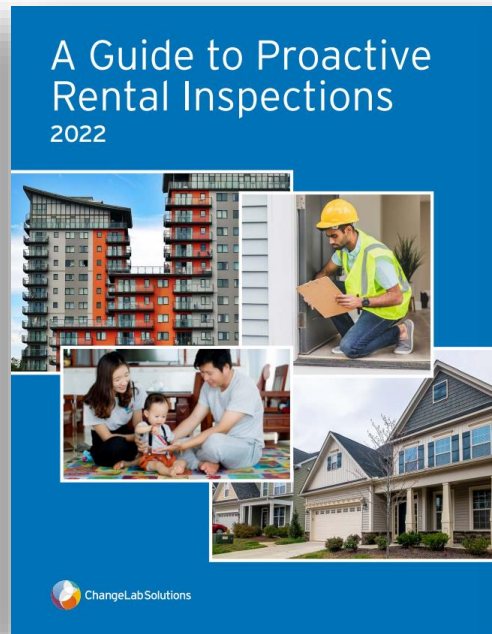
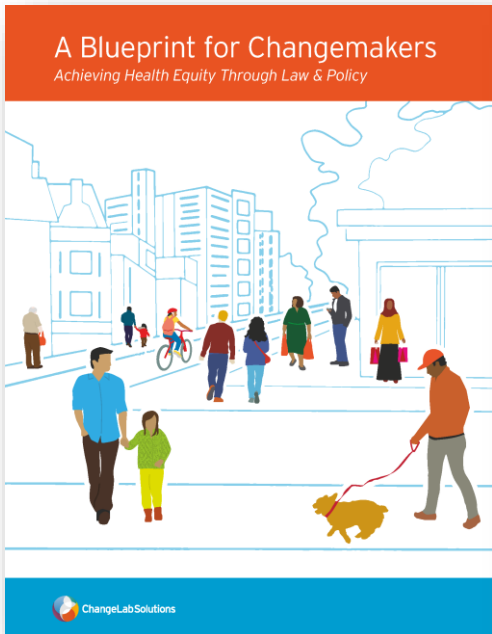
[Assessing & Addressing Preemption Toolkit](#)



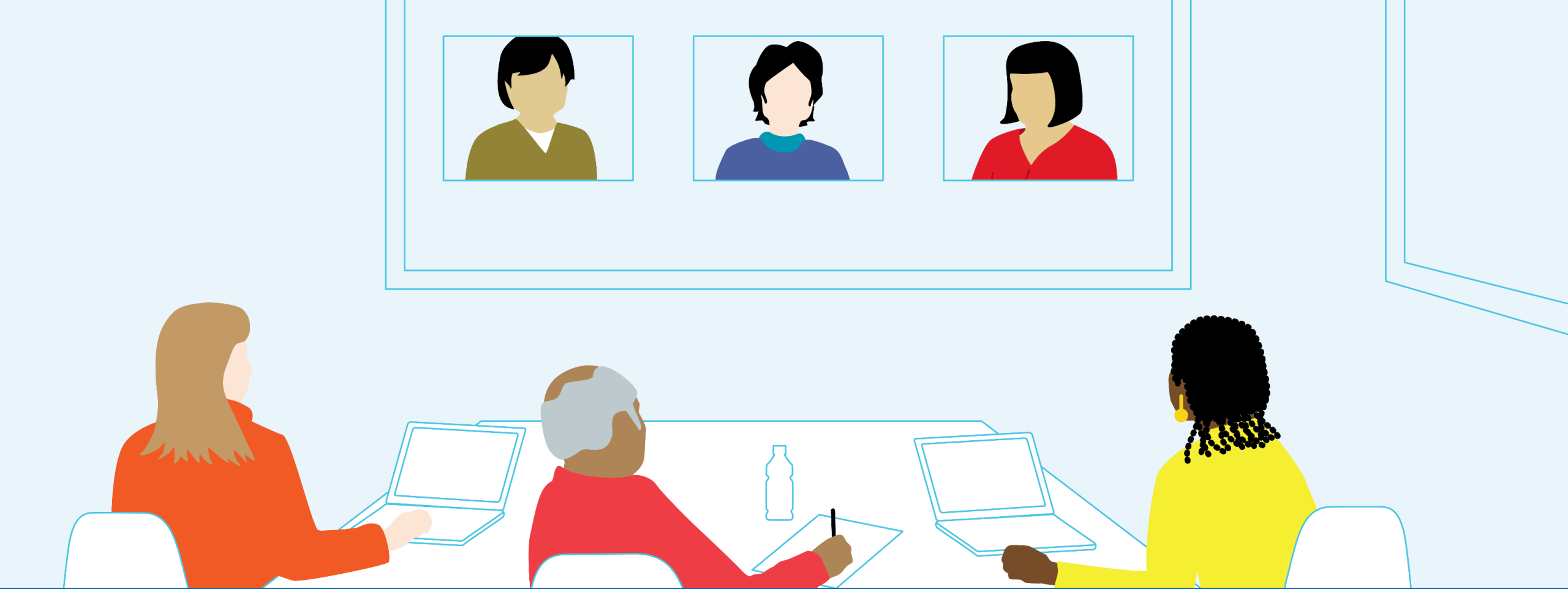
[Equity-First Preemption article](#)



Resources



Available at www.changelabsolutions.org



Questions?

Stay connected!

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