

Santa Fe Asks Court to End Lawsuit Challenging Model Citywide Living Wage Ordinance

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The City of Santa Fe today asked the Santa Fe District Court to end a lawsuit challenging the city's new living wage ordinance. The ordinance, which was enacted in February by a 7-to-1 to vote of the city council, will establish a minimum wage of \$8.50 per hour for private employers in the city when it takes effect in January 2004. One of the nation's first living wage laws to apply city-wide to most private businesses, the ordinance is serving as a model for other communities searching for ways to help low-income residents make ends meet.

The Santa Fe Chamber of Commerce and a group calling itself New Mexicans for Free Enterprise filed the lawsuit in March with the support of the national restaurant industry. The lawsuit charges that, under state law, Santa Fe lacked the legal authority to enact the living

wage ordinance.

The legal brief filed today explains why the opponents' legal claims are unfounded and asks District Court Judge Tim Garcia to end the lawsuit by entering summary judgment for the city. The brief was filed by the Santa Fe City Attorney's office joined by the law firm of Paul Weiss Rifkind Wharton & Garrison, LLP, and the Brennan Center for Justice at NYU School of Law. The Brennan Center specializes in helping federal, state and local lawmakers develop and defend reform legislation. Paul Weiss is one of the nation's leading law firms and is representing the city on a pro bono basis in defending the living wage ordinance.

As Congress has allowed the value of the \$5.15 federal minimum wage to continue eroding, over 100 communities across the country have stepped in by enacting living wage ordinances to provide more meaningful support to low-income workers. Most apply to businesses receiving public contracts or tax breaks from city governments.

Cities are now exploring ways to broaden these ordinances to help more local families. Santa Fe's is one of the first that applies city-wide to private sector businesses ? a model for other cities searching for ways to help more low-income residents make ends meet. In San Francisco, voters will decide this November whether to follow Santa Fe's lead by enacting an \$8.50 city-wide living wage.

“Santa Feans came together and enacted the living wage ordinance after more than a year of public hearings, community dialog, and economic research,” says Santa Fe City Councilor David Coss. “This lawsuit by those who disagree with the community's decision is an unwarranted attempt to derail the democratic process.”

“The brief filed today explains that Santa Fe was acting well within its authority when it enacted the living wage ordinance,” says Brennan

Center associate counsel Paul Sonn. “A 1998 opinion by the New Mexico Attorney General confirms this. In fact, the opponents themselves implicitly acknowledged this when they tried ? unsuccessfully ? to persuade the New Mexico legislature to ban local living wage ordinances.”

The community campaign for the living wage was led by the Santa Fe Living Wage Network ? a coalition of civic leaders, churches and synagogues, community groups, and labor activists. More than 1,500 Santa Fe residents and civic groups, including scores of local business owners and many religious congregations, endorsed the living wage ordinance.

The Brennan Center provides legal and technical assistance to living wage campaigns, and other state and local policy reform initiatives, in communities across the nation. For more information, please contact Amanda Cooper at the Brennan Center (212.998.6736) or Carol Oppenheimer with the Santa Fe Living Wage Network (505.983.9789). Information is also available online within our [living wage section](#) or the Santa Fe Living Wage Network's Web site at www.santafelivingwage.org.