

# Federal Appeals Court Upholds Berkeley Living Wage Law

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## Federal Appeals Court Upholds Berkeley Living Wage Law *Ruling Confirms Broad Powers to Protect the Working Poor*

**New York** -- In the first decision by a federal appellate court addressing a “living wage” law, the U.S. Court of Appeals for the Ninth Circuit today upheld the City of Berkeley’s living wage ordinance. Rejecting arguments by a business that it had been unfairly singled out for regulation, the court ruled that local governments enjoy substantial discretion in fashioning local laws to ensure adequate minimum wages in their communities.

“The decision removes any doubt that cities have broad powers to enact living wage laws to protect the working poor in their communities,” said Paul Sonn, associate counsel at the Brennan Center for Justice at NYU School of Law. The Brennan Center filed an amicus brief in the case, *RUI One Corp. v. City of Berkeley*, defending the city law on behalf of a coalition of worker rights, civil rights, and environmental groups. The lawsuit challenging the living wage law

was brought by RUI One Corp., which operates a restaurant on property leased from the City of Berkeley in the attractive Marina district along the San Francisco Bay.

Recognizing that “[m]ore and more frequently, full-time, minimum-wage workers are unable to support their families’ basic needs,” the court described how the Berkeley law requires employers operating in the city-owned Marina district to pay “wages approximating the real cost of living in the locality, which is often significantly higher than the applicable state or federal minimum wage.”

The court’s decision explained that, for nearly a century, federal, state and local governments have shared responsibility for ensuring decent living standards for our nation’s low-wage workforce. According to the court, the role of cities and states in that partnership has become more important in recent years as Congress has allowed the value of the federal minimum wage to erode.

“This decision sends a message that government has a right to set minimum standards for businesses operating in their communities,” said Amaha Kassa, co-director of the East Bay Alliance for a Sustainable Economy (EBASE), the organization that led the campaign to pass the living wage policy in Berkeley. “We call on RUI to stop wasting money on legal appeals and give it instead to the people who have a legal right to it – the workers.”

A broad coalition of civil rights, worker rights, and environmental groups joined the Brennan Center brief, fearing that a legal ruling limiting the power of cities to protect workers could also undermine cities’ authority to protect the public interest in other areas, such as the environment and civil rights. The amicus coalition included the NAACP Legal Defense & Educational Fund, Inc. (LDF), the Disability Rights Education and Defense Fund (DREDF), the Legal Aid Society – Employment Law Center (LAS-ELC), ACORN, the

Los Angeles Alliance for a New Economy (LAANE), the Center on Race, Poverty & the Environment (CRPE), the Asian Pacific Environmental Network (APEN) and Communities for a Better Environment (CBE).

The Brennan Center for Justice promotes public policies aimed at expanding access to family-sustaining jobs for low-income families. The Center works with lawmakers and reform coalitions in cities and states across the country to design living wage laws and other reform legislation tailored to local needs.

For additional information on the Brennan Center's work to support the national living wage movement, please visit the Center's [Living Wage page](#).