

Dear Margaret King,

I am writing on behalf of the Mayors Against LGBTQ Discrimination coalition **to ask for your support in a case that could ultimately affect the ability of local governments to enforce nondiscrimination policies when working with contractors on a wide range of city services, from foster care to services for the homeless and more.**

The City of New York and other colleagues are preparing an amicus brief on behalf of local governments in support of the City of Philadelphia in *Fulton v. City of Philadelphia*. The case, which will be heard by the Supreme Court in the fall, concerns whether Philadelphia is required to continue to contract with a faith-based foster care agency that refuses to work with same-sex couples, despite the city's nondiscrimination ordinance and a provision in the contract barring sexual orientation discrimination in performing the contract. [You can read the City of New York's primer on this brief here.](#)

The primer includes a request for information from municipalities- if your office has data or examples that may prove useful in the brief, please share with the brief's lead author, Lorenzo Di Silvio (ldisilvi@law.nyc.gov).

We invite both your municipality and your Mayor to join the Local Government Amicus Brief before the August 17 deadline. Please respond to this email at your earliest convenience to let us know that you are interested in participating. Details on the case and required format to sign on are included below.

For questions, please feel free to contact Danielle Long at dlong@freedomforallamericans.org or call 206-228-2250.

Thank you for your support,

Danielle Long

Project Coordinator, Mayors Against LGBTQ Discrimination

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(she/her pronouns)

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Background: *Fulton v. Philadelphia*

Philadelphia has long partnered with private foster-care agencies, including faith-based ones, to assist in the administration of the foster-care system under uniform, renewable, one-year contracts. Like all Philadelphia city contractors, agencies may not discriminate on the basis of race, religion, or sexual orientation (among other grounds) when performing under the contracts. Thus, when a prospective foster parent walks into a private foster-care agency, the agency must evaluate that person's ability to serve as a foster parent without regard to these traits.

One private, faith-based contractor, Catholic Social Services (CSS), is unwilling to comply with this nondiscrimination requirement. CSS believes that certifying same-sex couples would "endorse" the couple's relationship as acceptable, whereas its religious beliefs bar the agency from such supposed endorsement. CSS categorically refuses to certify same-sex couples seeking to become foster parents, even if the couples meet all state-law certification requirements. It claims that Philadelphia must continue to contract with it while exempting it from the obligation not to discriminate when performing under its contract, unlike all other agencies with contracts with the city.

A ruling endorsing Catholic Social Services argument could have broad ramifications on how any municipality provides a host of essential services, from foster care to services for the homeless, as well as any jurisdiction's ability to ensure that services are delivered to residents in a non-discriminatory manner.

The Brief

The Municipal Leaders Amicus brief will highlight the unintended consequences that could flow from a ruling in this case, without necessarily focusing on the foster-care system. Therefore, the brief will show that a ruling favoring Catholic Social Services could have a dramatic impact on a whole host of services; could implicate other types of discrimination or even affect contract terms other than the commitment not to discriminate when performing services under contract; and could critically impair municipalities' ability to deliver services effectively and enforce the terms of contracts it enters into with service-providers.

For questions about the contents of the brief please feel free to contact the brief's lead author, to Lorenzo Di Silvio, Senior Counsel, Appeals Division, New York City Law Department, via ldisilvi@law.nyc.gov.

How to Join

The deadline to sign on is **noon Eastern Time on August 17th**. A draft will be circulated on August 10th. **Please respond to this email with confirmation including a signature block of the representing attorney.** (For reference, the representing attorney does not need to be a member of the Supreme Court bar.)

Below are sample signature blocks that correspond to mayor and/or municipal participation:

Signature	Block	for	Municipal	participation:
ELIZABETH				SMITH
City				Solicitor
97	Jefferson	Street,	Anytown,	MA
<i>Attorney for the City of Anytown, Massachusetts</i>				

Signature Block for Municipal AND Mayoral participation:

CAROL L. SMITH
City Attorney
Smith, Channing, & Bristol, P.A.
3200 East Capitol Boulevard, Suite 270, Anytown, FL 33345
Attorney for Mayor Sam S. Jones and the City of Anytown, Florida

Signature Block for Mayoral participation:

GREGORY SMITH
Wheeler Smith & Hughes , PLLC
3914 Clinton Avenue, Suite 222, Anytown Hills, MI 45678
Attorney for Mayor Sam Jones, City of Anytown Hills, Michigan