

THE POWER OF ADMINISTRATIVE POLICY

Executive and regulatory agencies play a significant role in shaping public policy. While Congress passes laws, it's these agencies—at the federal, state, and local levels—that often have the power to bring those laws to life. These agencies are tasked with designing programs, interpreting policies, and allocating funding, all of which can directly impact the daily lives of individuals and communities. This document aims to educate you on how agencies use their authority in these key areas, with relevant examples at the local level.

1. Program Design and Implementation

What is it?

Program design and implementation refers to how government agencies put the dollars in action they are given by law. After Congress or a state legislature passes or changes a policy, agencies at the city or county level often translate it into practical services, benefits, and regulations. This includes determining eligibility, setting standards for participation, and establishing procedures for how the program will operate. Agencies also make decisions about who can access these services, how success will be measured, and how they can collaborate with other government entities.

How does it work?

When a law is passed, agencies have the responsibility to develop detailed rules about how the law will be implemented. This includes setting eligibility criteria, establishing metrics for success, and creating programs that deliver services to communities using dollars designated by law. They also work to eliminate barriers to participation and ensure that funds are distributed efficiently and equitably. In addition, agencies may work with other agencies to improve program outcomes, apply lessons learned from similar initiatives, and reach more people.

Key Concepts:

Eliminating Barriers and Exclusions

Agencies must consider who will be able to access a program and how to eliminate any barriers to participation. This includes considering factors like language, disability access, income level, and geography. Agencies can design programs to ensure that vulnerable populations are not excluded from receiving benefits.

Example: Los Angeles County – Public Health Initiatives: The Los Angeles County Department of Public Health has taken steps to eliminate barriers in its public health programs, such as vaccine distribution or health screenings. By providing outreach in multiple languages, ensuring mobile clinics reach underserved areas, and offering extended hours for appointments, the department has increased access for directly impacted communities. Such efforts are intentional designs to reduce barriers to healthcare.

Measurement and Metrics

To determine the effectiveness of a program, agencies create specific metrics to track success. These could include the number of people served, improvements in health outcomes, or the reduction in unemployment rates. The way success is measured can have a big impact on how the program is perceived and whether it continues to receive support and funding. These definitions of success should be created with the voice of the target community.

Example: San Francisco – Homelessness Outreach and Services: San Francisco's Department of Homelessness and Supportive Housing uses specific metrics to measure the success of its homelessness outreach programs. These include the number of people successfully placed in permanent housing and the reduction in emergency room visits by homeless individuals. The city uses these metrics not only to evaluate program effectiveness but also to attract continued funding and support from both local government and philanthropic organizations.

Interagency Opportunities

Different agencies often collaborate to improve program outcomes, especially when addressing complex social issues. Interagency collaboration ensures a holistic approach is taken, allowing for the sharing of resources, knowledge, and expertise. The JustUS Coordinating Council advocates for a whole-of-government approach to creating economic mobility so that agencies work together to address a wide range of interconnected needs.

Example: Chicago – Youth Services Collaboration: The City of Chicago runs a youth services program aimed at reducing gang violence and improving education outcomes. The program involves collaboration between the Chicago Public Schools (CPS), the Department of Family and Support Services, and local community organizations. By coordinating efforts, these agencies seek to provide comprehensive services, such as after-school programs, mentoring, and job training, to help opportunity youth (young people between ages 16 to 24 who aren't enrolled in school or working) continue their education and provide support in their development.

Why It Matters:

- **Inclusivity and access:** How agencies design programs and set eligibility criteria can determine whether vulnerable populations benefit from public services. A well- designed program ensures that services are accessible to those who need them most. Many times, however, policymakers may create carve outs and loopholes that only create further harm.
- **Success measurement:** Agencies that establish clear metrics can track their progress, improve efficiency, and ensure that programs are meeting the intended goals. Success must be measured with the voice of the person with lived experience at the table to more accurately determine if the impact of the law matches how an administrative agency intended it.
- **Collaboration:** When agencies work together, they can create more effective solutions, improve resource allocation, and reach more people with essential services. Advocates can also leverage the relationships that agencies have with each other as a way of increasing their strategic partnerships at a faster rate.

2. Policy Guidance and Interpretation

What is it?

Policy guidance and interpretation refer to the power of agencies to clarify and define the laws passed by local, state, or federal bodies. While laws set the broad framework, agencies provide the specific rules and guidance on how to apply and enforce them. Agencies help interpret complex legal language, and their guidance can shape how the law is applied on the ground and how programs and processes are designed. Guidance and interpretation can also include providing new tools to legal experts, government officials, and advocates to ensure consistent and effective implementation.

How does it work?

Agencies interpret the laws passed by legislatures and translate those interpretations into actionable guidelines. These clarifications help local governments, businesses, legal professionals, and community groups understand their obligations and the practical application of the law. Agencies also develop new tools that can help these groups apply the law more effectively, creating clearer pathways to enforce rights, advocate for change, and hold agencies accountable.

Key Concepts:

Communication to Other Experts

Agencies often communicate their interpretations of laws to professionals who need to apply them. This includes issuing guidance, training materials, or advisory opinions to ensure legal experts, businesses, and public officials understand how to comply with new rules. These communications often are attacked by those with opposing viewpoints and can even end up in a courtroom if an individual or organization believes an agency went too far.

Example: New York City – Small Business Relief: During the COVID-19 pandemic, the New York City Department of Small Business Services (SBS) issued detailed guidelines on how small businesses could apply for grants and relief programs. These guidelines helped legal advisors, accountants, and business owners understand eligibility, documentation requirements, and application processes, ensuring that businesses could access the support they needed during a difficult time.

New Tools for the Legal Community and Other Experts

Agencies also develop tools for legal professionals, public administrators, and other experts to navigate complex laws. These tools might include training manuals, technical assistance centers, online portals, or legal databases that make compliance and enforcement easier to understand. Often these tools are accessible by any member of the public through the agency's website or through a member of their agency that is responsible for outreach.

Example: Austin, TX – Affordable Housing Development: The City of Austin’s Housing and Planning Department created a series of online resources and toolkits for developers, legal professionals, and community organizations interested in affordable housing projects. These resources provided guidance on zoning laws, tax incentives, and funding sources available for affordable housing development.

New Tools for Advocates

In addition to providing guidance for legal professionals, agencies also create new tools that help advocates apply and influence policy. These resources can help advocacy groups better understand and leverage government regulations to support their goals. Many of these resources are created for distribution at resource fairs, town halls, or other community spaces. Occasionally, advocacy groups will create their own materials utilizing other concepts discussed above.

Example: Seattle – Environmental Advocacy: The City of Seattle’s Office of Sustainability and Environment developed a tool to help community organizations advocate for cleaner air and water. The Environmental Justice Mapping Tool, available online, allows community advocates to identify neighborhoods with high levels of pollution, health risks, and environmental injustice. By providing advocates with this data, the city empowers them to push for stronger policies and programs that address environmental equity.

Why It Matters:

- **Clear communication:** Effective guidance ensures that legal experts, businesses, and other professionals understand how to comply with laws and regulations. This helps create consistency and fairness in how laws are applied and can help inform future policy change and funding decisions.
- **Tools for professionals:** By creating new tools, agencies ensure that experts can effectively navigate complex rules and provide the necessary legal or administrative services to their clients.
- **Empowering advocates:** Providing advocates with clear, accessible tools and data empowers them to better advocate for their communities, pushing for policies that promote justice and equity.

3. Funding Discretion

What is it?

Funding discretion refers to the authority of executive agencies to determine how federal, state, or local funds are allocated to various programs or projects. While elected bodies such as city councils or county boards approve budgets, agencies at the city or county level decide how to distribute those funds, which projects or populations to prioritize, and how much money to put toward each initiative.

This discretion has a significant impact on how resources are used and which communities or issues receive attention.

How does it work?

Agencies determine the priorities for funding, establish eligibility criteria for who can receive funds, and decide whether to give preference to certain types of projects or innovations. These decisions can shape local development, improve public services, or drive new initiatives in areas like education, housing, and infrastructure. Funding flows from agencies into communities in many ways.

Key Concepts:

Eligibility

Eligibility refers to the rules that determine who can receive funding. This might include factors such as the type of organization (e.g., nonprofits, schools, local governments), the population being served (e.g., low-income individuals, seniors, veterans), or the geographic area being targeted (e.g., underserved neighborhoods or rural areas).

Example: Maricopa County, AZ – Homelessness Assistance: Maricopa County’s Human Services Department distributes federal funding for homelessness prevention and housing assistance. Eligibility for these funds is based on factors like income level, family size, and homelessness risk. The county has worked to expand eligibility to include families at risk of homelessness, not just those already living on the streets, in order to prevent future homelessness before it starts.

Federal Grant Funding Types

- **Formula** — These dollars are determined in part by the policy that created them. The term “formula” refers to a specific percentage that is written into legislation and must be spent in that way by the agency who is distributing the funds as part of the law.
 - *Block Grants are very similar to formula grants in that they are created by policy. Block grants, however, typically offer a bit more flexibility for how to achieve funding goals outlined in policy where traditional formula funding is more rigid with process.*
- **Pass-Through** — These dollars are given to an agency for distribution by an administrative body that is part of a larger government system (federal → state | state → county). The pass-through agency often can decide how these dollars flow (competitive or formula) and often the projects or initiatives that are funded are eligible for future funding as pass-through dollars continue. Many agencies award both competitive and non-competitive pass-through dollars, and pass-through funding is a great way for new organizations to get started in the grant management process.

- **Competitive** — This type of federal grant is one of the most familiar to community-based organizations. Competitive funding is awarded through a process in which you plan and budget a project, explain your goals, and submit it to the funder for determination. These grants are also known as “discretionary” funding. While these can fund a wide variety of social issues in a wide variety of ways, grant recipients often still must report on outcomes, impact, and how funds were used.
- **Continuation** — Funding is sometimes available for projects and initiatives created through either competitive funding or formula funding. While different factors can cause funding to shrink or cease, continuation funding is one way an initiative can continue to operate. The process of getting additional funds is sometimes less difficult than initial application, but in some instances renewals compete with new initiatives.

Preferences in Grantmaking

Agencies may choose to prioritize certain types of projects or populations when distributing funds. This could mean giving extra weight to projects that align with local policy goals or that serve underrepresented or high-need communities. These preferences can be tailored to carve out (or carve in) different populations in addition to what else may be written in law. Funding preferences often can change as agency leadership changes.

Example: Denver – Community Development Block Grants: The City of Denver allocates Community Development Block Grant (CDBG) funding to projects that benefit low- and moderate-income residents. The city’s preference is to fund projects that focus on affordable housing, economic development, and public services for underserved communities. By prioritizing these initiatives, Denver ensures that its CDBG funds support the city’s broader goals of equity and neighborhood revitalization.

Innovation

Innovation in funding refers to an agency’s ability to support new or experimental approaches to solving community challenges. This might include piloting new technologies, supporting creative solutions, or funding projects that challenge traditional methods. Agencies can also model innovation in grantmaking by allocating their funds to other projects within their ability to help provide additional support or to model new ways of approaching a problem.

Example: Portland, OR – Green Infrastructure: Portland’s Bureau of Environmental Services funds green infrastructure projects to manage stormwater and reduce pollution. For example, the city has funded the development of “green streets”—landscaped streetscapes designed to absorb stormwater. These types of projects are often more experimental and innovative, aiming to test solutions that are more sustainable and cost-effective than traditional infrastructure.

Why It Matters:

- **Eligibility criteria:** The way eligibility is structured can determine which communities or organizations have access to critical resources. Clear and inclusive eligibility guidelines ensure that funds are used effectively.
- **Grantmaking preferences:** By prioritizing certain projects or communities, agencies can drive policy goals, such as advancing social justice, reducing inequities, or fostering economic growth in high-need areas.
- **Supporting innovation:** Supporting new ideas and approaches to solving community problems can lead to breakthroughs that address long-standing challenges in more effective ways.

Conclusion

Executive and regulatory agencies at the city and county level play a crucial role in shaping policy and impacting our daily lives. Through their control over program design and implementation, policy guidance and interpretation, and funding discretion, these agencies can promote equity, drive innovation, and ensure that policies are applied in ways that truly benefit communities. Understanding how these agencies work and the discretion they have is essential for advocates, community leaders, and policymakers who want to influence change at the local level. By working with or influencing these agencies, we can help ensure that policies are more inclusive, effective, and impactful for the communities that need them most.

Questions for Reflection and Strategy

How could you or your organization use existing relationships you have with policy makers to encourage their collaboration with other agencies or elected officials? How would you explain the benefit to them?

How can you leverage the program design and implementation process to ensure that the needs of historically underserved communities are prioritized when new policies are rolled out by government agencies?

What specific metrics or data would you use to evaluate the success of a government program, and how can you ensure that the voices of the communities affected are integral to defining those success measures?

Think of an example in your community similar to the examples in this document. Did the impact for the community match what lawmakers and administrators hoped to accomplish? How would the voice of the community make a difference?

What tools could you develop or use to support other advocates in holding agencies accountable and to situate you or your organization as a thought partner? How can you keep your finger on the pulse of administrative policy and programs.