Racial Equity and Social Justice Legislative Review Tool

Office of Legislative Oversight – Montgomery County Council

PURPOSE

The purpose of this RESJ impact assessment tool is to examine how diverse stakeholders in Montgomery County may be impacted by proposed bills, in particular communities of color and low-income residents, and to identify strategies for addressing unintended consequences that exacerbate racial and social inequities.

BACKGROUND

The County Council established the Racial Equity and Social Justice Act (Bill 27-19) on November 29, 2019, to systemically apply an equity lens to County decision-making to advance racial equity and social justice.[1] The RESJ Act defines equity, race, and social justice as follows:

- **Equity** means fair and just opportunities and outcomes for all people.

- **Race** is a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (including color), ancestral heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic and political needs of a society.

- **Social justice** means that everyone deserves to benefit from the same economic, political and social rights and opportunities, free from health disparities, regardless of race, socioeconomic status, age, sex – including on the basis of gender identity or orientation, religion, disability, or other characteristics.

- **Racial equity and social justice** mean changes in policy, practice and allocation of County resources, so that race or social justice constructs do not predict one's success, while also improving opportunities and outcomes for all people.

To advance the County's equity goals, the Act requires OLO to analyze the potential impact of proposed legislation on racial and social inequities in the County for bills introduced on or after August 1, 2020.

INSTRUCTIONS

This Office of Legislative Oversight Legislative Review Tool is adapted from the City of Madison's (WI) 2018 Racial Equity and Social Justice Tool.[2] This OLO RESJ Tool is designed to apply a racial equity and social justice lens to the development and review of proposed legislation in Montgomery County, MD.

Best practices recommend that a diverse set of stakeholders use this tool in the development, review, and potential revision of proposed legislation. Stakeholders should include, among others, persons representing communities of color and low-income residents. When possible, involve those directly impacted by the issue and document multiple voices in this process.

Ideally, one stakeholder should serve as a scribe to document responses to this tool. Another stakeholder can serve as the facilitator to walk the group through this tool, or the scribe can assume this role. The order of questions posed may be re-arranged to suit your situation.

OLO RESJ Legislative Review Tool

PREPARE TO USE THE RESJ TOOL

Assembling a diverse group of stakeholders to discuss the prompts included in this tool serves as a critical first step to applying an equity lens in the development and review of proposed County legislation. Toward this end, OLO recommends that Councilmembers, staff, and community stakeholders begin the racial equity and social justice legislative review process by responding to the following prompts:

- What is the title of the bill being considered?

- Who are the primary contacts for completing this RESJ impact assessment tool? What are their contact information and demographic profile?

- What are the names, affiliations, and demographic profiles of others participating in the assessment?

- Are representative voices of all racial, ethnic, and social groups affected by the bill involved with this assessment? Who is missing, and how can they be engaged?

If time permits, add members to the legislative review committee to enhance diversity and inclusion. If limited time is available for applying an equity lens to the bill being considered, address the first two prompts and then consider the "what, who, and how" prompts listed below.

DISCUSS "WHAT" PROMPTS

After documenting the contributors to the legislative review process, consider and discuss the following prompts to discern the intent of the proposed legislation, the policy area(s) it will primarily impact, how racial and social inequities impact the bill's policy area(s), and the availability of data to describe racial and social disparities that could be impacted by the bill under review.

- What is the bill being analyzed? What does it seek to accomplish?

- Which policy areas will the bill primarily impact (e.g., justice, health and wellbeing, economic opportunity, education, community or environment)?

- What factors associated with the bill (e.g., existing policies and data) might be affecting communities of color and/or low-income communities differently?

- What racial and social inequities have shaped opportunities/outcomes within the bill's policy area(s)?

- What data are available to describe racial and social disparities within the bill's policy area(s)? What data are unavailable or missing?

- What identified community needs are being met with the proposed legislation? What identified community needs are being ignored with the proposed legislation?

DISCUSS "WHO" PROMPTS

After considering what the proposed bill seeks to accomplish, the next set of prompts discern which population groups are impacted by the proposed bill. The "Who" prompts are as follows:

- Who are the population groups impacted by the proposed legislation? What are their racial, ethnic, and income backgrounds?
- Which geographic communities would be most impacted by the proposed legislation? What are their racial, ethnic, and income backgrounds?
- Which groups would benefit from the bill? What are their racial, ethnic, and income backgrounds?
- Which groups would be burdened or harmed by the bill? What are their racial, ethnic, and income backgrounds?
- Are there potential unintended consequences (e.g., social, economic, health, environmental, or other) of the bill?
- Are there potential disproportionate impacts of the proposed bill by race, ethnicity, or income?

"HOW" TO ADDRESS ADVERSE IMPACTS

If it is anticipated that the proposed bill will create unintended consequences that exacerbate racial and social inequities, OLO recommends that the RESJ legislative review team identify and recommend strategies for inclusion in the final bill to address these adverse impacts.

If the bill sponsor uses this RESJ tool to develop and refine their legislation, they can revise their draft legislation to address identified adverse impacts before their bill is introduced. Prompts to consider whether recommended strategies to prevent or diminish adverse impacts will work as intended include:

- Is the recommended strategy for enhancing the bill realistic and adequately resourced?
- Who will be accountable for implementing the recommended strategy?
- How will the impacts of the recommended strategy on racial and social equity be documented and evaluated? What will be the success indicators and progress benchmarks?
- How will those impacted by the bill be informed of progress and impacts over time?

If the bill sponsor does not use this RESJ tool before bill introduction, and OLO subsequently identifies potential adverse impacts of the bill that widen racial and/or social inequities as part of its legislative review, OLO may include recommended amendments to address adverse impacts within the RESJ impact statement.

CONTRIBUTORS

Dr. Theo Holt, OLO RESJ Performance Management and Data Analyst, and Dr. Elaine Bonner-Tompkins, OLO Senior Legislative Analyst, developed this RESJ Legislative Review Tool.

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[1] Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf
[2] City of Madison, Wisconsin, Racial Equity and Social Justice Fast Track Tool, 2018 https://www.cityofmadison.com/civil-rights/programs/racial-equity-social-justice-initiative/tools