

Racial Equity and Social Justice (RESJ)

BILL 44-20: HUMAN RIGHTS AND CIVIL LIBERTIES – RACIAL EQUITY AND SOCIAL JUSTICE ADVISORY COMMITTEE – MEMBERS - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 44-20 will help narrow racial and social disparities in Montgomery County.

BACKGROUND

The County Council established the Racial Equity and Social Justice Act (Bill 27-19) on November 29, 2019.¹ On September 29, 2020, the Council introduced Bill 44-20.²

If enacted, Bill 44-20 would amend Bill 27-19 by requiring the Office of Legislative Oversight to complete racial equity and social justice impact statements for each zoning text amendment. Bill 44-20 would also add two public members to the Racial Equity and Social Justice (RESJ) Advisory Committee and authorize the County Executive to establish one or more task forces to study and offer recommendations on specific issues.

Zoning text amendments (ZTA's) are designed to advance public goals in land use that can include:³

- Promoting health, public health and general welfare;
- Promoting the conservation of natural resources;
- Providing adequate light and air and preventing environmental pollution; and
- Facilitating adequate transportation, water, sewerage, schools, recreation, parks and other public facilities.

Yet, historically, land use policies have often been used to harm rather help communities of color. From the seizure of land from indigenous Americans to make room for White settlers, to the use of eminent domain to build highways to benefit suburban development at the expense of inner cities, land use policies have been used to foster and sustain racial and social inequities.⁴ Given this history, Bill 44-20 would subject ZTA's to the same racial equity and social justice analysis as required of other new legislation.

Like racial equity tools, inclusive community engagement is also recognized as a best practice for advancing equity in government decision-making.⁵ In alignment with this best practice, Bill 44-20 would expand community engagement to implement the County's Racial Equity and Social Justice Act in two ways. First, the bill would expand the size of the County's RESJ Advisory Committee from 15 to 17 members with the addition of two additional public members (from 8 to 10 members). Second, the bill would authorize the Executive to create additional task forces inclusive of community members to address racial and social inequities in the County.

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DEMOGRAPHIC DATA

Understanding the potential impact of Bill 44-20 on racial equity and social justice in the County requires understanding the County's demographics and patterns of segregation by race, ethnicity, and income.

A review of available data shows that Montgomery County is racially and ethnically diverse. In 2015:⁶

- White, Non-Hispanic residents accounted for 47% of the County's population
- Black and Latinx residents each accounted for 18% of the County's population; and
- Asian residents accounted for 15% of the County's population.

Yet, Montgomery County is marked by racial and socio-economic stratification consistent with a history of housing discrimination and redlining. For example, White residents accounted for 72% of District 1 residents where family incomes averaged \$205,000 in 2015.⁷ Conversely, residents of color comprised the majority in Districts 2, 3, 4, and 5 where average family incomes ranged from a low of \$102,500 in District 5 to a high \$120,500 in District 3.⁸ As such, family incomes were nearly twice as high in the majority-White areas of the County as compared to the communities where people of color accounted for a vast-majority of residents.

ANTICIPATED RESJ IMPACTS

Residents: OLO anticipates a favorable impact of Bill 44-20 on diminishing racial and social inequities because it will require the Council to consider the potentially disparate impacts of zoning text amendments in its decision-making. Consideration of disparate impacts may lead to the mitigation of unintended consequences so that zoning text amendments benefit communities of color and low-income communities or, at a minimum, do not harm these communities.

Including more community members from communities of color and low-income communities in the RESJ Advisory Committee and on ad-hoc RESJ task forces may also enhance equity in government decision-making. The anticipated benefits of more inclusive community engagement include:⁹

- Empowering communities to make decisions for themselves;
- Improving the quality and responsiveness of government services to achieve better outcomes; and
- Reducing inequalities and fostering greater ownership.

METHODOLOGIES, ASSUMPTIONS AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis relies on several sources of information that include:

- Racial Equity Profile Montgomery County, Office of Legislative Oversight¹⁰
- Racial Equity in Government Decision-Making: Lessons from the Field, Office of Legislative Oversight¹¹
- The Zoning Text Amendment Process, Montgomery Planning¹²
- Racial Inequities in Montgomery County: 2011-2015, Urban Institute¹³
- Inclusive Outreach and Public Engagement, Seattle Race and Social Justice Initiative¹⁴
- Systemic Inequality: Displacement, Exclusion, and Segregation, The Center for American Progress¹⁵

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RECOMMENDED AMENDMENTS

Since Bill 44-20 is intended to amend Bill 27-19 and many parts of Bill 27-19 have yet to be fully implemented, OLO considered it premature to offer additional recommended amendment to the County's Racial Equity and Social Justice Act at this time.

CAVEATS

Two caveats to this statement should be noted. First, predicting the impact of legislation on racial and social inequities in Montgomery County is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than to determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

Dr. Elaine Bonner-Tompkins, OLO Senior Legislative Analyst, drafted this RESJ impact statement with assistance from Dr. Theo Holt, OLO RESJ Performance Management and Data Analyst.

¹ Montgomery County Council, Bill No. 27-29 Racial Equity and Social Justice,

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf>

² Montgomery County Council, Bill 44-20, Human Rights and Civil Liberties – Racial Equity and Social Justice Advisory Committee – Members - Amendments

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_10921_Bill_44-2020_Introduction_20200929.pdf

³ Montgomery Planning, The Zoning Text Amendment Process, https://montgomeryplanning.org/wp-content/uploads/2020/06/MP_ZTAOnePager_061020_side1.pdf

⁴ Center for American Progress, Systemic Inequality: Displacement, Exclusion, and Segregation

<https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/>

⁵ Office of Legislative Oversight, Racial Equity in Government Decision-Making: Lessons from the Field

https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

⁶ Urban Institute, Racial Inequities in Montgomery County, 2011-2015,

https://www.urban.org/sites/default/files/publication/95386/2017.12.28_montgomery_county_finalized_7.pdf; data tables

<https://www.urban.org/research/publicatio/racialinequities-montgomery-county-2011-15>.

⁷ Ibid, District 1 includes Bethesda, Chevy Chase, and Potomac

⁸ Ibid, District 5 refers to Silver Spring and Burtonsville; District 3 references Rockville and Gaithersburg

⁹ Seattle Racial and Social Justice Initiative, Inclusive Outreach and Public Engagement Guide,

https://www.seattle.gov/Documents/Departments/ParksAndRecreation/Business/RFPs/Attachment5%20_InclusiveOutreachandPublicEngagement.pdf

¹⁰ <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>

¹¹ https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf

¹² https://montgomeryplanning.org/wp-content/uploads/2020/06/MP_ZTAOnePager_061020_side1.pdf

¹³ https://www.urban.org/sites/default/files/publication/95386/2017.12.28_montgomery_county_finalized_7.pdf

¹⁴ https://www.seattle.gov/Documents/Departments/ParksAndRecreation/Business/RFPs/Attachment5%20_InclusiveOutreachandPublicEngagement.pdf

¹⁵ <https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/>