

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 3-22: LEGISLATIVE BRANCH — CLIMATE ASSESSMENTS — REQUIRED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 3-22 will likely narrow inequities by race, ethnicity, and income at least marginally since efforts to mitigate climate change could disproportionately benefit residents of color and low-income communities. As such, OLO anticipates a favorable impact of Bill 3-22 on racial equity and social justice.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of racial equity and social justice (RESJ) impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 3-22

Greenhouse gas emissions are a significant driver of climate change. In 2017, the County Council declared a climate emergency with the goal of reducing greenhouse emissions by 80 percent by 2027 and by 100 percent by 2035.³ The purpose of Bill 3-22 is to advance the County's climate goals by requiring the Council to consider the anticipated impact of proposed legislation and land use decisions on climate change.⁴ More specifically, the Bill would require OLO to prepare climate assessments for each proposed bill and three types of land use decisions: zoning text amendments, master plans, and master plan amendments. If a climate assessment rated a bill or land use decision as having a negative climate impact, Bill 3-22 would also require OLO to identify amendments or other recommendations that would reduce or eliminate the anticipated negative climate impact. Bill 3-22 would also require OLO to develop annual reports on its climate assessments. Bill 3-22 was introduced to the Council on February 1, 2022.

THE CLIMATE GAP AND RACIAL EQUITY

Understanding the impact of Bill 3-22 on racial equity and social justice requires understanding the historical drivers of the climate gap – the disproportionate impact that global warming has on people of color and low-income communities. To describe this context, this section describes racial inequities that contribute to the climate gap and its consequences.

- Redlining, racial covenants, exclusionary zoning, the Federal Housing Administration, the Social Security Act, GI Bill, and Departments of Transportation policies and practices have fostered **housing segregation** by race and ethnicity that have undermined wealth building and housing equity for Black, Indigenous, and other people of color (BIPOC) residents.⁵ Housing segregation has also fostered the concentration of BIPOC residents into densely populated neighborhoods with fewer trees and larger amounts of impervious surfaces that make them more vulnerable to harmful effects of excessive heat and flood events exacerbated by climate change.⁶

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- Inequities in housing, income, employment and health has fostered **“the climate gap”** - the unequal impact that climate change has on BIPOC and low-income communities due to their higher risk of experiencing the consequences of climate change combined with a lack of resources to adjust to the consequences of climate change.⁷ The heightened risk for experiencing the negative consequences of climate change and the diminished ability to adjust to climate change means that BIPOC and low-income communities will suffer more during heat waves with increased illness and deaths, will breathe even dirtier air due to global warming, will pay more for basic necessities, and may have fewer job opportunities with increased climate change.⁸
- The locating of BIPOC and low-income communities near polluting and environmentally hazardous industries⁹ foster **health inequities and disparities** that manifest as higher rates of cancer, lung conditions, heart attacks, asthma, low birth weights, and high blood pressure.¹⁰ The County’s Climate Action Plan, for example, show that communities with high concentrations of BIPOC and low-income residents are located in areas of the County with higher levels of traffic and air pollution.¹¹ Local data also show that Black residents had the highest rates of emergency room visits for chronic lower respiratory diseases at more than 1,538 visits per 100,000 followed by Latinx residents at 815 visits per 100,000 compared to 543 visits per 100,000 White residents.¹²

ANTICIPATED RESJ IMPACTS

OLO anticipates a favorable impact of Bill 3-22 on diminishing racial and social inequities because it will require the Council to consider the potentially negative impact of proposed legislation and land use decisions on the climate. Diminishing the potentially negative impact of bills, zoning text amendments, master plans, and master plan amendments on the climate – the fundamental purpose of the Bill could disproportionately benefit BIPOC residents and low-income communities because they are most vulnerable to greenhouse gas emissions and climate change. As such, efforts aimed at making the Council more cognizant of the potential negative impact of policy decisions on climate change are likely to narrow racial and social inequities related to climate change or at least to not exacerbate them.

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹³ OLO finds that Bill 3-22 is likely to advance racial equity and social justice. As such, this RESJ statement does not offer recommendations.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than 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.

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¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.raciaequitytools.org/glossary>

² Ibid

³ Montgomery County Council, Resolution 18-974, Emergency Climate Mobilization, Adopted December 5, 2017 <https://www.montgomerycountymd.gov/green/Resources/Files/climate/Montgomery-County-Climate-Action-Resolution.pdf>

⁴ Montgomery County Council, Bill 3-22, Legislative Branch – Climate Assessments - Required https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2744_1_20010_Bill_3-2022_Introduction_20220201.pdf

⁵ Kilolo Kijakazi, et al, The Color of Wealth in the Nation’s Capital, November 2016

<https://www.urban.org/research/publication/color-wealth-nations-capital>

⁶ Iverson, L.R. and E.A. Cook, Urban Forest Cover of the Chicago Region and Its Relation to Household Density and Income, Urban Ecosystems, 2000 cited in Zero Cities Project, Equity Assessment Tool and Rolf Pendall, A Building Block for Inclusive Housing for Community Level Diversity, Participation and Cohesion, Urban Institute, September 2017 cited in Zero Cities Project, Equity Assessment Tool https://www.usdn.org/uploads/cms/documents/equity_assessment_tool_-zero_cities_project_-_race_forward_2019.pdf

⁷ Rachel Morello-Frosch, et al, The Climate Gap: Inequities in How Climate Change Hurts Americans and How to Close the Gap, Dornsife Center, University of Southern California, 2009

⁸ Ibid

⁹ Iverson, L.R. and E.A. Cook, Urban Forest Cover of the Chicago Region and Its Relation to Household Density and Income, Urban Ecosystems, 2000 cited in Zero Cities Project, Equity Assessment Tool and Rolf Pendall, A Building Block for Inclusive Housing for Community Level Diversity, Participation and Cohesion, Urban Institute, September 2017 cited in Zero Cities Project, Equity Assessment Tool https://www.usdn.org/uploads/cms/documents/equity_assessment_tool_-zero_cities_project_-_race_forward_2019.pdf

¹⁰ Rolf Pendall and American Public Health Association, Climate Change, Health, and Equity: A Guide for Local Health Departments, https://www.apha.org/-/media/Files/PDF/topics/climate/Guide_Section2.ashx

¹¹ Montgomery County Climate Action Plan

¹² Health in Montgomery County, 2008 – 2016: A surveillance report on population health, <https://www.montgomerycountymd.gov/HHS/Resources/Files/Reports/PopHealthReportFINAL.pdf>

¹³ Montgomery County Council, Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee - Established