

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## EXPEDITED BILL 10-26: ARTS AND HUMANITIES COUNCIL - AMENDMENTS

### SUMMARY

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The Office of Legislative Oversight (OLO) anticipates Expedited Bill 10-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Requiring the Arts & Humanities Council of Montgomery County (AHCMC) to develop a detailed RESJ policy as proposed in Bill 10-26 could help ensure they are advancing RESJ in their efforts.

### PURPOSE OF RESJ IMPACT STATEMENTS

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RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.<sup>1</sup> This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.<sup>2</sup>

### PURPOSE OF EXPEDITED BILL 10-26

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In 1999, the Council passed a law designating AHCMC as the County's local arts agency. Through this designation, AHCMC is responsible for:<sup>3</sup>

- Promoting creativity, scholarship, and professionalism in the arts and humanities;
- Providing and coordinating funding for the arts and humanities in the County; and
- Advising local, state, and federal agencies about financial and other needs of arts and humanities programs in the County.

Between FY18 and FY25, AHCMC distributed \$49 million in County funding to grants supporting non-profit arts and humanities organizations and individual artists and scholars in the County.<sup>4</sup>

The purpose of Bill 10-26 is to update the governance structure and responsibilities of AHCMC. If enacted, Bill 10-26 would:<sup>5</sup>

- Set the size, terms, and composition of AHCMC's board of directors and the duties of the board;
- Require annual reports on AHCMC's activities and on the status of [Public Arts Trust](#) on August 31 of every year;
- Set specific requirements for AHCMC's articles of incorporation and bylaws; and
- Require AHCMC to adopt and implement a RESJ policy that applies a RESJ lens into all aspects of its operations.

Bill 10-26 would also require AHCMC's designation to be renewed by the Council every five years. OLO would be required to evaluate AHCMC at least one year before the redesignation is made.<sup>6</sup> According to the County Executive, Bill 10-26 was introduced to guarantee that public investment in AHCMC "is supported by modernized governance provisions that reinforce accountability and maintain public confidence."<sup>7</sup>

The Council introduced Expedited Bill 10-26 at the request of the County Executive on February 10, 2026.

# RESJ Impact Statement

## Expedited Bill 10-26

This RESJIS builds on OLO Report 2025-13, *Investing in the Arts: How County Government Funds Cultural Organizations and Public Arts Venues*, which OLO published in November 2025. Please refer to this report for more background on AHCMC and their grantmaking trends between FY18 and FY25.<sup>8</sup>

### THE ARTS, ARTS FUNDING AND RACIAL EQUITY

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Art – including the visual and performing arts, literature, film, and architecture – is a powerful medium through which people understand and interpret the world. Art conveys narratives, stories, and messages that reflect and influence a society’s culture and worldviews. These forces shape policies and institutions. As Race Forward explains, “[c]ultural change precedes social change. Narrative drives policy...Narrative is the space in which energies are activated to preserve a destructive system or build a better world for us all.”<sup>9</sup>

Historically, art has been an important tool for preserving and reinforcing racism in American society. For example, *The Birth of a Nation*, the first blockbuster film in the U.S., perpetuated dehumanizing stereotypes about Black people and glorified racial terrorism. The film would go on to serve as a recruitment tool for the Klu Klux Klan for decades after its release.<sup>10</sup> Yet, art has also been critical for challenging and dismantling racism. The *Subversion & The Art of Slavery* exhibition from the New York Public Library (NYPL) highlights how abolitionists used art to advance the anti-slavery movement. As noted by NYPL, “[a]bolitionist arts appealed to the public’s moral, religious, and political convictions, eventually yielding a robust stream of anti-slavery propaganda and radical acts that could not easily be ignored.”<sup>11</sup>

BIPOC representation in the arts is essential for creating and promoting narratives that dismantle racism and white supremacy and advance anti-racism and RESJ. However, structural racial inequities, including economic inequities like the racial wealth gap, create racial disparities in who is able to work and get a platform as an artist.<sup>12</sup> An analysis of 2015 to 2019 data by the National Endowment for the Arts found that while BIPOC accounted for 38 percent of the labor force, they only accounted for 27 percent of all artists in the country.<sup>13</sup> Further, a 2019 study of 18 major museums in the U.S. found 85 percent of the artists exhibited in collections were White.<sup>14</sup>

Racial inequities in grantmaking also drive racial disparities in the arts. OLO’s analysis of AHCMC’s grantmaking across eight fiscal years found their largest grant program favored organizations with larger operating budgets.<sup>15</sup> This likely disadvantages BIPOC arts organizations, as they tend to have smaller budgets.<sup>16</sup> OLO found in recent years, AHCMC has made efforts to prioritize equity in its funding approach, shifting more funding to grant programs that support smaller organizations.<sup>17</sup>

Several tools are available to support arts funders with equitable grantmaking.<sup>18</sup> For instance, the “Equity Choice Points” tool from the National Assembly of State Arts Agencies outlines “policy and procedural decisions...that may be reservoirs of unintended structural bias” in grantmaking. These include requirements on minimum budgets, nonprofit incorporation, and matching, among many others.<sup>19</sup>

### ANTICIPATED RESJ IMPACTS

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Of note, Bill 10-26 would require OLO to conduct an evaluation of the performance and effectiveness of AHCMC. OLO cannot provide an independent assessment of that proposed change. As such, it is not considered in this analysis.

To consider the anticipated impact of Bill 10-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?

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- What racial and social inequities could passage of this bill weaken or strengthen?

All community members, regardless of race or ethnicity, could benefit from proposed changes to the governance structure and responsibilities of AHCMC. These could help strengthen AHCMC and improve transparency and accountability in their operations to the community.

As previously noted, Bill 10-26 would require AHCMC to adopt and implement a RESJ policy. Figure A includes the language on the RESJ policy within the Bill. Proposed requirements for AHCMC's RESJ policy include:

- Active recruitment of potential board members from diverse backgrounds and outreach to communities of color;
- Communications and business practices that are tailored to the needs of communities of color and other marginalized communities; and
- Organizational policies and procedures that address diversity and inclusion, among others.

Since AHCMC is a decision-making body in the County, requiring them to develop a detailed RESJ policy as proposed in Bill 10-26 could help ensure they are advancing RESJ in their efforts.

Therefore, OLO anticipates Bill 10-26 would have a positive impact on RESJ in the County.

### RECOMMENDED AMENDMENTS

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The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.<sup>20</sup> OLO anticipates Expedited Bill 10-26 would have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this Bill, OLO offers one policy option for Council consideration:

- **Require AHCMC to develop an equitable grantmaking process as part of RESJ policy.** Grantmaking processes often contain racial inequities that disadvantage BIPOC artists and arts organizations. To help build on AHCMC's progress with prioritizing equity in its grantmaking, the Council could require them to detail their process for equitable grantmaking as a part of their RESJ policy. This would increase transparency and help codify AHCMC's processes for equitable grantmaking.

### CAVEATS

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Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. 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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### APPENDIX

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#### Figure A. Bill 10-26, Racial Equity and Social Justice

To effectively address the complex needs of the County's racially, economically, and culturally diverse community and strategically expand access to Arts and Humanities Council resources to underrepresented populations, the Board must adopt and implement a racial equity and social justice policy that applies a racial equity and social justice lens into all aspects of the Board's operations in alignment with the County's racial equity and social justice strategic plan. The racial equity and social justice policy must include:

- (a) a statement of commitment to racial equity and social justice as part of the Board's core values;
- (b) active recruitment of potential Board members from diverse backgrounds and outreach to communities of color for consideration by the County Executive and County Council;
- (c) a formal process to assess Board culture and identify barriers to inclusion in Board participation and leadership;
- (d) communications and business practices that are tailored to the needs of communities of color and other marginalized communities;
- (e) a process to identify and address discriminatory or non-inclusive behaviors;
- (f) organizational policies and procedures that address diversity and inclusion; and
- (g) a clear, realistic, actionable, and measurable commitment to addressing racial equity that is woven into the governance, culture, and membership of the Arts and Humanities Council.

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<sup>1</sup> Definition of racial equity and social justice adopted from M. Gamblin et al., ["Applying Racial Equity to U.S. Federal Nutrition Programs,"](#) Bread for the World and [Racial Equity Tools.](#)

<sup>2</sup> Ibid.

<sup>3</sup> [Education and Culture Committee Staff Report, Discussion: Arts & Humanities,](#) Montgomery County Council, July 22, 2019, pg. 2.

<sup>4</sup> C. Kalyandurg, [OLO Report 2025-13: Investing in the Arts: How County Government Funds Cultural Organizations and Public Arts Venues,](#) Montgomery County Council, November 4, 2025, pgs. 24-25.

<sup>5</sup> Bill 10-26, [Introduction Staff Report for Expedited Bill 10-26,](#) Montgomery County Council, Introduced February 10, 2026, pgs. (1)-(13).

<sup>6</sup> Ibid., pg. (3).

<sup>7</sup> Memo from County Executive to Council President, [Introduction Staff Report for Expedited Bill 10-26,](#) pg. (15).

<sup>8</sup> C. Kalyandurg, [OLO Report 2025-13: Investing in the Arts: How County Government Funds Cultural Organizations and Public Arts Venues,](#) pgs. 17-48.

<sup>9</sup> N. Viquiera, ["Messages to Grow and Uproot: Narrative Strategy Amid Attacks on Diversity, Equity, Inclusion, and Racial Justice,"](#) Race Forward, pg. 2.

<sup>10</sup> ["100 Years Later, What's The Legacy Of 'Birth Of A Nation'?"](#) Code Switch, NPR, February 8, 2015.

<sup>11</sup> ["Subversion & The Art of Slavery Abolition,"](#) Online Exhibition Gallery, New York Public Library.

<sup>12</sup> ["Capacity Building for Racial Equity in Public Art,"](#) Seattle Office of Arts & Culture, September 2018, pg. 5.

<sup>13</sup> [Table 1a. Selected characteristics of artists and the total labor force: 2015-2019,](#) Artists in the Workforce: National and State Estimates for 2015-2019, National Endowment for the Arts.

<sup>14</sup> C. Topaz, et al., ["Diversity of artists in major U.S. museums,"](#) PLoS One, March 20, 2019.

<sup>15</sup> C. Kalyandurg, [OLO Report 2025-13: Investing in the Arts: How County Government Funds Cultural Organizations and Public Arts Venues,](#) pgs. 40-41.

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## Expedited Bill 10-26

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<sup>16</sup> According to a 2015 study, the 20 largest Black and Latinx arts organizations in the U.S. had a median budget of \$3.8 million, while the 20 largest mainstream arts organizations had a median budget of \$61 million. [“Diversity in the Arts: The Past, Present, and Future of African American and Latino Museums, Dance Companies, and Theater Companies,”](#) Devos Institute of Arts Management, University of Maryland, September 2015, pg. 20.

<sup>17</sup> C. Kalyandurg, [OLO Report 2025-13: Investing in the Arts: How County Government Funds Cultural Organizations and Public Arts Venues](#), pg. 30 and pgs. 31-32.

<sup>18</sup> See list of more tools in [Racial Equity Impact Assessment for Supplemental Appropriation #24-67](#), Office of Racial Equity and Social Justice, March 29, 2024, pg. 5.

<sup>19</sup> [“Equity Choice Points: A Grant-making Reflection Tool for State Arts Agencies,”](#) National Assembly of State Arts Agencies.

<sup>20</sup> [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.](#)