

Racial Equity and Social Justice (RESJ) Statement for Zoning Text Amendment

Office of Legislative Oversight

ZTA 25-10: LANDSCAPING REQUIREMENTS – NATIVE PLANTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Zoning Text Amendment (ZTA) 25-10: Landscaping Requirements – Native Plants will have a minimal impact on racial equity and social justice in the County. As the ZTA promotes biodiversity and a healthier ecosystem in the County, OLO anticipates that it will benefit all community members proportionately by race and ethnicity rather than narrow existing racial and social inequities.

PURPOSE OF RESJ STATEMENTS

RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs 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 with a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF ZTA 25-10

The general landscape requirement of the Zoning Ordinance currently requires landscaping in Rural Open Space to contain only native plant species, but it does not define what constitutes a native plant species.³ The Ordinance also recommends, but does not require, the use of native plant species for landscaping in Common Open Space, Public Open Space, and Amenity Open Space.

The purpose of ZTA 25-10 is to amend the Zoning Ordinance to define native plant species as plants native to the Mid-Atlantic Region (i.e., Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia). ZTA 25-10 would also require 50 percent of plant species used for landscaping in the Rural Open, Common Open, Public Open, and Amenity Open Spaces to consist of native plant species.

ZTA 25-10 is part of the Native Plant Protection Act, which includes Bill 26-25, Vegetation – Invasive Plants also introduced on June 17, 2025. If enacted, Bill 26-25 will exempt native plant species and grasses from the County's weed removal requirements and prohibit the sale of invasive bamboo.⁴

ZTA 25-10 was introduced on June 17, 2025.

This RESJ impact statement (RESJIS) builds on the RESJIS for Bill 26-25, Vegetation – Invasive Plants published on July 18, 2025.

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NATIVE PLANTS AND RACIAL EQUITY

In the United States, native plants are species that evolved in specific regions before European settlement. They are vital to local ecosystems, having adapted to their habitats' unique soil, moisture, and weather conditions for thousands of years to the unique soil, moisture, and weather conditions of their habitats.⁵ While native plants can benefit all communities, their benefits can be particularly impactful in Black, Indigenous, and People of Color (BIPOC) neighborhoods that are most affected by pollution and chronic disinvestment.⁶

In contrast to native plant species, invasive species play a significant role in the decline of biodiversity and can, in severe cases, lead to the extinction of native plants and animals when they compete with native species for limited resources. Invasive species can also pose a significant threat to ecosystems due to the diminishing presence of native predators, their tolerance to local diseases and climate, and high productivity rate. They can also impact human livelihoods by reducing local crop yields and decreasing the populations of fish and livestock.

A 2023 study by U.S. Department of the Interior Invasive Species Advisory Committee finds that invasive species can disproportionately impact BIPOC communities, communities with low-incomes, and BIPOC communities with low-incomes due to the individual and synergistic impacts of climate change.⁷ BIPOC communities in particular have historically suffered from environmental degradation and limited access to native-plant landscaping due to redlining, discriminatory housing policies, exclusionary zoning, and inadequate land-use planning.⁸

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-10 on racial equity and social justice, OLO considers two related questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could the passage of this ZTA weaken or strengthen?

To address these questions, OLO considered the anticipated impact of ZTA 25-10 on the following sets of stakeholders:

- **Wholesale Nurseries and Landscaping Businesses:** OLO anticipates that businesses that supply plants to local properties to comply with ZTA 25-10 could increase their economic opportunities and revenue. While data regarding the racial and ethnic demographics of wholesale nursery owners are not available, related data suggests that most of the business owners likely to benefit from ZTA 25-10 are White. For example, as observed in Table 1 of the Appendix of the 1,230 agriculture businesses listed in the County in 2022, 92 percent (1,135 agriculture businesses) were owned by White entrepreneurs.⁹ In turn, the benefits of ZTA 25-10 to mostly White nursery owners could widen racial disparities in business revenue.
- **Landowners:** OLO anticipates that landowners who comply with ZTA 25-10 will bear short-term economic costs for compliance that yield long-term economic and environmental benefits. The long-term benefits of ZTA 25-10 that landowners will likely experience include lower maintenance costs, water conservation, and the preservation of local ecosystems. Available data on homeownership and real estate businesses suggests that the landowner costs and benefits of ZTA 25-10 will disproportionately impact White landowners. White and Asian residents have the highest homeownership rates in the County as observed in Table 2 of the Appendix while White community members are overrepresented among real estate business owners as observed in Table 3. Since White landowners are anticipated to disproportionately experience both the costs and benefits of ZTA 25-10, this ZTA impact on RESJ would be null.

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- **County Residents:** OLO anticipates that County residents will experience environmental benefits from ZTA 25-10 as native species better absorb water that can be discharged into sewers and thereby decrease levels of erosion and filter harmful pollutants before they reach waterways.¹⁰ To the extent that ZTA 25-10 promotes biodiversity and a healthier ecosystem in the County, OLO anticipates that it will proportionately benefit all community members, regardless of race and ethnicity.

In sum, OLO anticipates that ZTA 25-10 will benefit businesses that supply native plants, landowners who purchase and grow them, and the broader community in the County. OLO also anticipates landowners will bear the costs of ZTA 25-10. By promoting biodiversity and fostering a healthier ecosystem, OLO anticipates that ZTA 25-10 will have a positive impact on all community members proportionately, regardless of their race or ethnicity. Therefore, OLO believes that the net impact of ZTA 25-10 on RESJ in the County will be minimal.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County’s Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to zoning text amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹¹ OLO anticipates that ZTA 25-10 will have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment 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 ZTA under consideration.

APPENDIX

Table 1: Montgomery County Agriculture Product Producers, 2022

Race or Ethnicity	Number of Producers
American Indian/Alaska Native	2
Asian	28
Black or African American	23
Native Hawaiian/Pacific Islander	-
Hispanic, Latino, Spanish origin	34
White	1,135
More than one race	8

Source: [U.S. Department of Agriculture, national Statistics Service \(USDA NASS\). 2022](#)

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Table 2: Homeownership Rate by Race and Ethnicity, Montgomery County

Race or ethnicity ¹²	Homeownership Rate
Overall	64.4
Asian	75.1
Black	43.9
White	74.4
Latinx	48.8

Source: [Table S0201, 2023 American Community Survey 1-Year Estimates, Census Bureau.](#)

Table 3: Percent of Real Estate and Rental and Leasing Employer Firms by Race and Ethnicity, Montgomery County

Race or ethnicity	Real Estate and Rental and Leasing Business Owners (NAICS 53) ^{13,14}	All Sectors (NAICS 00)	Adult Population
Asian	12.4	21.8	16.0
Black	5.1	7.6	18.3
Native American	-	1.4	0.5
Pacific Islander	-	0.1	0.0
White	82.3	69.1	46.6
Latinx	3.9	10.0	18.7

Source: OLO analysis of [Table AB2200CSA01, 2022 Annual Business Survey](#) and [Table S2101, 2023 American Community Survey 5-Year Estimates](#), Census Bureau.

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

² Ibid.

³ Section 6.3.8.B

⁴ Montgomery County Council. Staff Report. Agenda Item #1(j)Introduction. June 17, 2025

⁵ Plaisted, Tomas. Fighting Against Invasive Species: The Role of Native Plants in Urban Spaces. Nordson green Earth. November 1, 2024.

⁶ Turn Oakland County Green. Oakland County CL Climate Campaign. June 14, 2021.

⁷U.S. Department of the Interior · Office of the Secretary. Invasive Species Advisory Committee (ISAC). Underserved Communities and Invasive Species. November 14, 2023.

⁸ Ibid.

⁹ U.S. Department of Agriculture, national Statistics Service (USDA NASS). 2022

¹⁰ Massner, Kyler. Use of Native Plants/Vegetation. Sustainable Development Code (SDC). undated

¹¹ Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.

¹² Race is inclusive of Latinx origin for all data points in this RESJIS.

¹³ The Real Estate and Rental and Leasing Sector includes establishments that rent, lease, or otherwise allow the use of their own real estate or other assets by others. This sector also includes establishments primarily engaged in managing real estate for others, selling, renting, and/or buying real estate for others, and appraising real estate.

¹⁴ Margins of error for these data points may be large.