



OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE


Marc Elrich
County Executive

Tiffany Ward
Director and Chief Equity Officer

MEMORANDUM

January 24, 2024

To: Jennifer Bryant, Director
Office of Management and Budget

From: Tiffany Ward, Director
Office of Racial Equity and Social Justice 

Re: Racial Equity Impact Assessment (REIA) Supplemental Appropriation (SA) #24-47
Subdivision Roads Participation Capital Improvements Program (CIP)

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #24-47 Subdivision Roads Participation Capital Improvements Program (CIP) is inconclusive. Overall, there is insufficient information—about the processes and community engagement that led to the proposed land acquisition, the racial equity impacts of the selected environmental impact mitigation strategy, and the demographic characteristics of future beneficiaries—to determine to what extent this supplemental appropriation is likely to reduce racial disparities and inequities in the County. A more comprehensive analysis of the Subdivision Roads Participation CIP is necessary to determine how investments are distributed throughout the County and whether that distribution is equitable.
- II. **BACKGROUND:** The purpose of Supplemental Appropriation #24-47 Subdivision Roads Participation (No. 50800) is to enable the acquisition of a vacant land parcel, which will connect the Miles Coppola development to MD 355. This supplemental appropriation is required to complete the County's September 2023 condemnation action. The conclusion of the condemnation action will allow the developer to build a connection from the future development to 355 in a way that lessens the environmental impact compared to alternative proposals.

III. ANALYSIS: The history and current impacts of structural racism on land development, housing, transportation, and economic opportunity (employment and entrepreneurship) are well documented. There are numerous national, regional, and local analyses that provide in-depth explanations of the ways local governments--through discriminatory and exclusionary policies--have harmed Black residents, other people of color, and groups facing other forms of systemic oppression while simultaneously creating and perpetuating advantages for White and wealthy residents. A sampling of these analyses is below and is pertinent to any decisions about land acquisition:

National

- “Embedding Racial Equity in Housing.” National League of Cities. July 9, 2020. Available at: <https://www.nlc.org/article/2020/07/09/embedding-racial-equity-in-housing/>
- “Closing the Racial Capital Gap” by Ahmad Abu-Khalaf. August 30, 2022. Available at: <https://www.enterprisecommunity.org/blog/closing-racial-capital-gap>
- Advancing Racial Equity in Housing, Land, and Development: A Toolbox for Racial Equity Practitioners in Government. Government Alliance on Race and Equity (GARE). May 2023. Available at: https://www.racialequityalliance.org/wp-content/uploads/2023/10/GARE-HousingJusticeNarrativeToolkit-2023_Introduction_6.pdf

Regional

- Understanding Historic Exclusion, Current Evidence, and Recent Zoning and Land-Use Reforms and Processes for Racial Equity. Statement of Eleanor Noble, Research Analyst, Urban Institute before the DC Zoning Commission. September 22, 2022. Available at: https://www.urban.org/sites/default/files/2022-09/Understanding%20Historic%20Exclusion_Noble%20Testimony.pdf
- Washington, DC Racial Equity in Comprehensive Plan Implementation (in particular slide 6, 19, 20): https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/OP_Racial%20Equity%20in%20Practice_Presentation_09182021_0.pdf

Local

- Racial Equity Impact Assessment of Supplemental Appropriation #24-14 Implementation of the Rent Stabilization Bill (15-23): <https://www.montgomerycountymd.gov/ore/Resources/Files/24-14.pdf>
- Racial Equity and Social Justice (RESJ) Zoning Text Amendment Statement. Office of Legislative Oversight. ZTA 21-07 Density and Height Allocation – Development with Moderately Priced Dwelling Units: <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/ZTA/2021/ZTA21-07.pdf>

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Roads Participation Capital Improvements Program (CIP)

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Based on available information, there are few if any decisions left regarding the execution of the condemnation; therefore, a racial equity analysis may be somewhat less impactful as compared to earlier or in future considerations of the racial equity impacts of the Subdivision Roads Participation CIP. As research suggests, “While the mere presence of a law requiring a Racial Impact Analysis should be enough to compel compliance, a better practice would be to develop procedures to enforce the consideration of the impact analysis when making land use decisions.”¹ Overall, there is insufficient information about this particular Supplemental Appropriation—the processes and community engagement that led to it, the racial equity impacts of the environmentally preferable approach, and the demographic characteristics of future beneficiaries—to determine to what extent it is likely to reduce racial disparities and inequities in the County.

cc: Christopher Conklin, Director, Department of Transportation
Ken Hartman, Director, Strategic Partnerships, Office of the County Executive

¹ https://sustainablecitycode.org/brief/racial-impact-analysis-in-local-land-use-applications-2/#_ftnref59