Racial Impact Assessment in Land Use Planning and Zoning

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Racial Impact Statement Definition

• “Racial impact statements systematically analyze how racial and ethnic groups are affected by an existing proposed action, policy, or practice.”
  
  - William Kennedy, Gillian Sonnad & Sharon Hing

• “The premise behind racial impact statements is that policies often have unintended consequences that would be best addressed prior to adoption of new initiatives.”
  
  – Marc Mauer

• “The racial impact statement is intended to build a record which will result in a change in [a] policy, procedure, or program.”
  
  - Jermaine Toney & Terry Keleher
Presentation overview

• Racial impact analysis outside of land use
• Why land use?
• Examples from local governments
• Considerations and Review
Criminal Justice

• **Iowa** - Iowa Code Ann. § 2.56
  • Report about Iowa
  • In response, Iowa passes a “correctional impact statement” law
  • Triggered by proposed laws relating to public offenses, sentencing, or probation
  • Legislative services agency creates statement explaining impact on minorities

• **Other States**
  • **Connecticut** - Conn. Gen. Stat. § 2-24b
  • **Oregon** - Or. Rev. Stat. § 137.683
U.S. Department of Transportation

• Service Equity Analysis
• Required for any “major service change”
• Transit providers must analyze adverse effects of service change to consider disparate impacts
• If a disparate impact is discovered, provider must modify the service change, mitigate the impact, or choose an alternative
Why RIS for land use?

• History of Land Use Law and Segregation
  • Racial zoning
  • Restrictive covenants
  • Redlining
  • Exclusionary zoning
  • Expulsive zoning
  • Financing practices
  • Public housing segregation
  • Real estate steering

• If land use regulation has contributed to this problem, land use has a role in the solution
Seattle

• Growth and Equity Report
• City completed an EIS for a new comprehensive plan
• Growth and Equity Report was a companion document
• Created two indices
  • Risk of Displacement Index
  • Access to Opportunity Index
• Used these indices to create a baseline
• Evaluated growth strategies with these indices to predict effect on equity
Figure 3  Indicators combined to create a composite index of displacement

1. Overlay indicators of vulnerability, amenities, development potential, and median rent to create the Displacement Risk Index.

2. Overlay education, economic, transit, civic infrastructure, and health data to create the Access to Opportunity Index.
Seattle

• Where did this come from?
  • Executive orders and city council resolutions
  • City Council Res. 31164 – achieving racial equity in equitable development
  • Executive Order 2014-02 – commitment to equitable development
  • City Council Res. 31577 – race and social equity a core value

• Overall structure of the report
• Importance of data
New York City

• Int 1572 (Local law 78 of 2021)
  • Codified in NYC Admin. Code Title 25 Sections 117-18
  • Incorporates racial equity reports into the Universal Land Use Review process

• Required reports for residential projects, non-residential projects, zoning amendments, downzoning of historic districts
  • Only triggered if the action is of a certain size

• Uses the “Equitable Development Data Tool”
  • Created by planning and housing departments, available April 2022, ESRI ArcGIS
  • Categories for demographics, economic security, quality of life, access to opportunity, and housing
  • Includes a displacement risk index
New York City

• Racial Equity Report Contents
  • Residential projects – lists the number and type of units for the project
  • Non-residential projects – lists the projected number of jobs in each sector, the median wage levels for those sectors, and the racial and ethnic composition for the sector’s workforce

• Community profile
  • Summary of existing conditions and trends of past two decades
  • Comparison of this profile to borough/city-wide data
  • Narrative of how the proposed project fits into the city’s fair housing plan and equitable economic development goals
Gowanus Neighborhood

• Gowanus Neighborhood Plan: Racial Equity Report on Housing and Opportunity

• Structure of the report
  • Background and history
  • Existing conditions and trends in Gowanus
  • Housing and economic opportunity
  • Results
  • Recommendations
Considerations and Review

• Basic structure
• Implementation
• Integration with other impact analyses