

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
 - New Jersey - N.J. Rev. Stat. § 2C:48B-2

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?

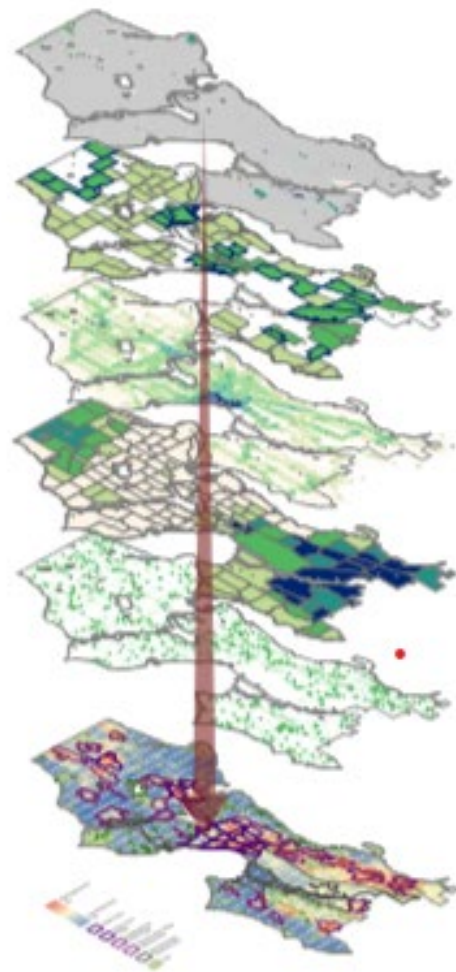
- History of Land Use Law and Segregation
 - Racial zoning
 - Restrictive covenants
 - Redlining
 - Exclusionary zoning
 - Expulsive zoning
 - Financing practices
 - Public housing segregation
 - Real estate steering
- If land use regulation has contributed to this problem, land use has a role in the 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

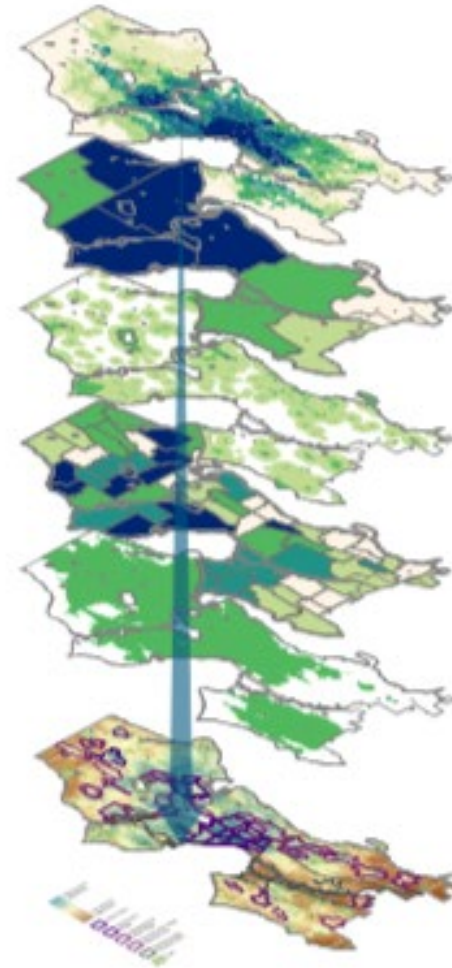
Figure 3

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**.

Figure 5

Displacement Risk Index

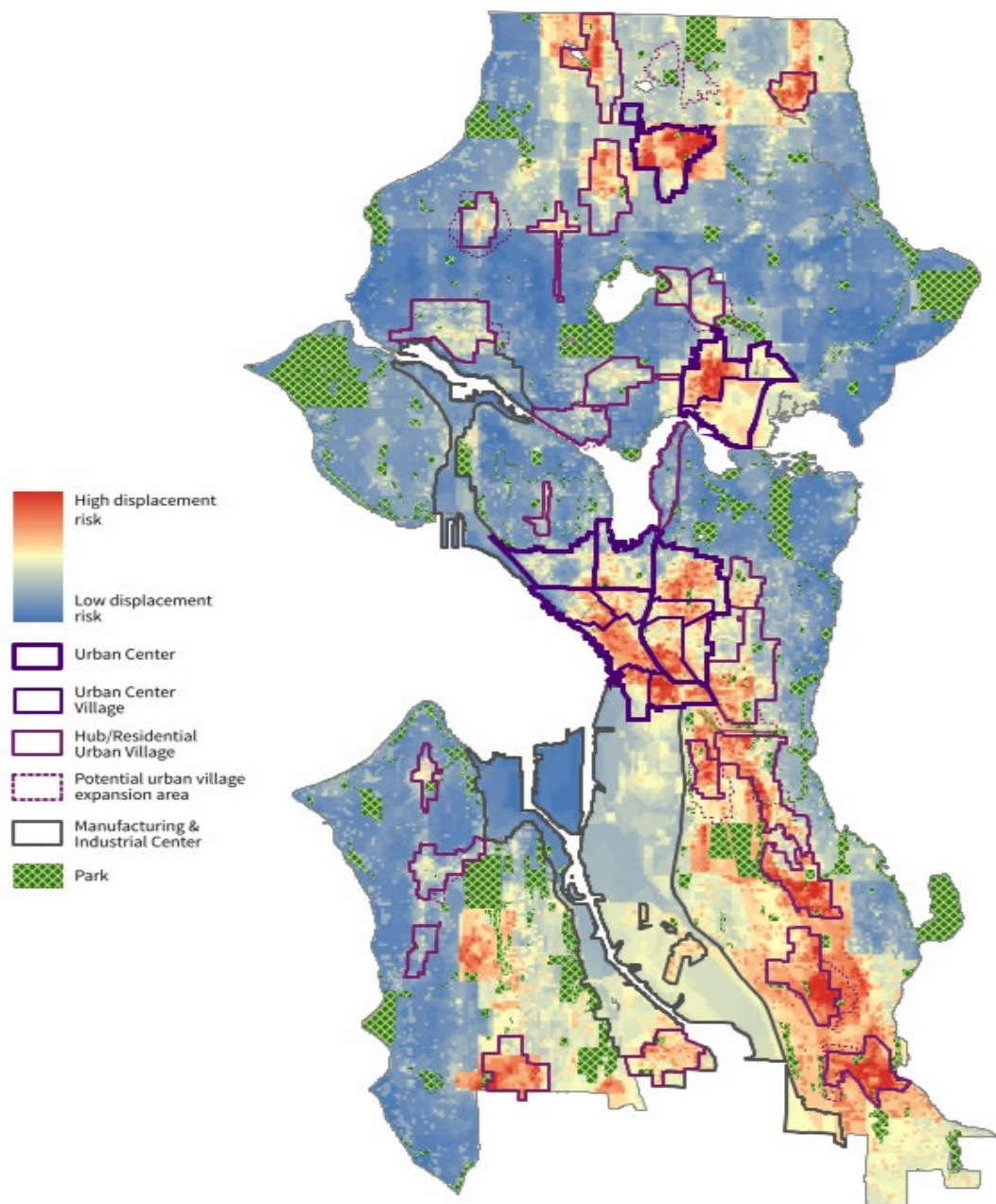
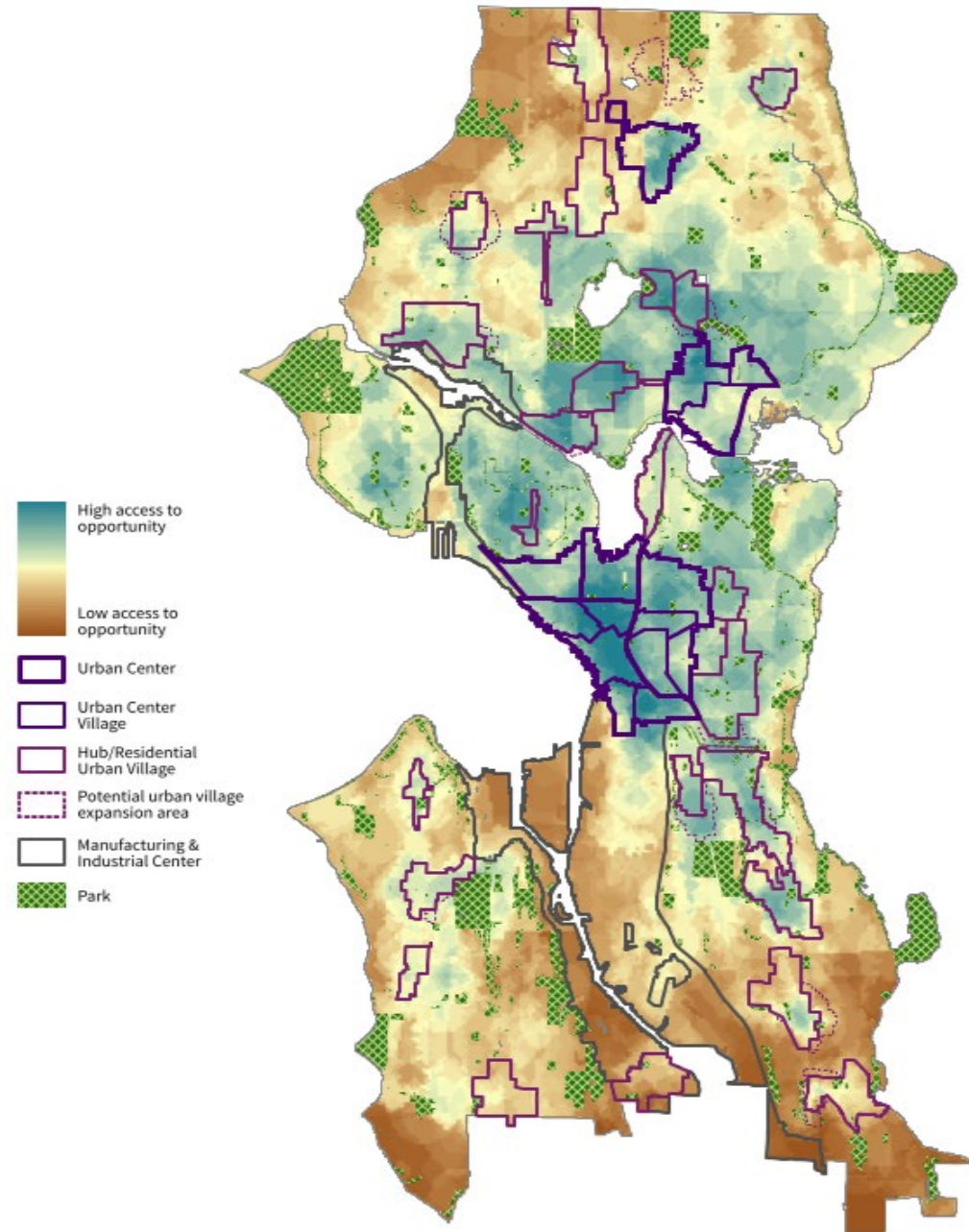


Figure 6

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

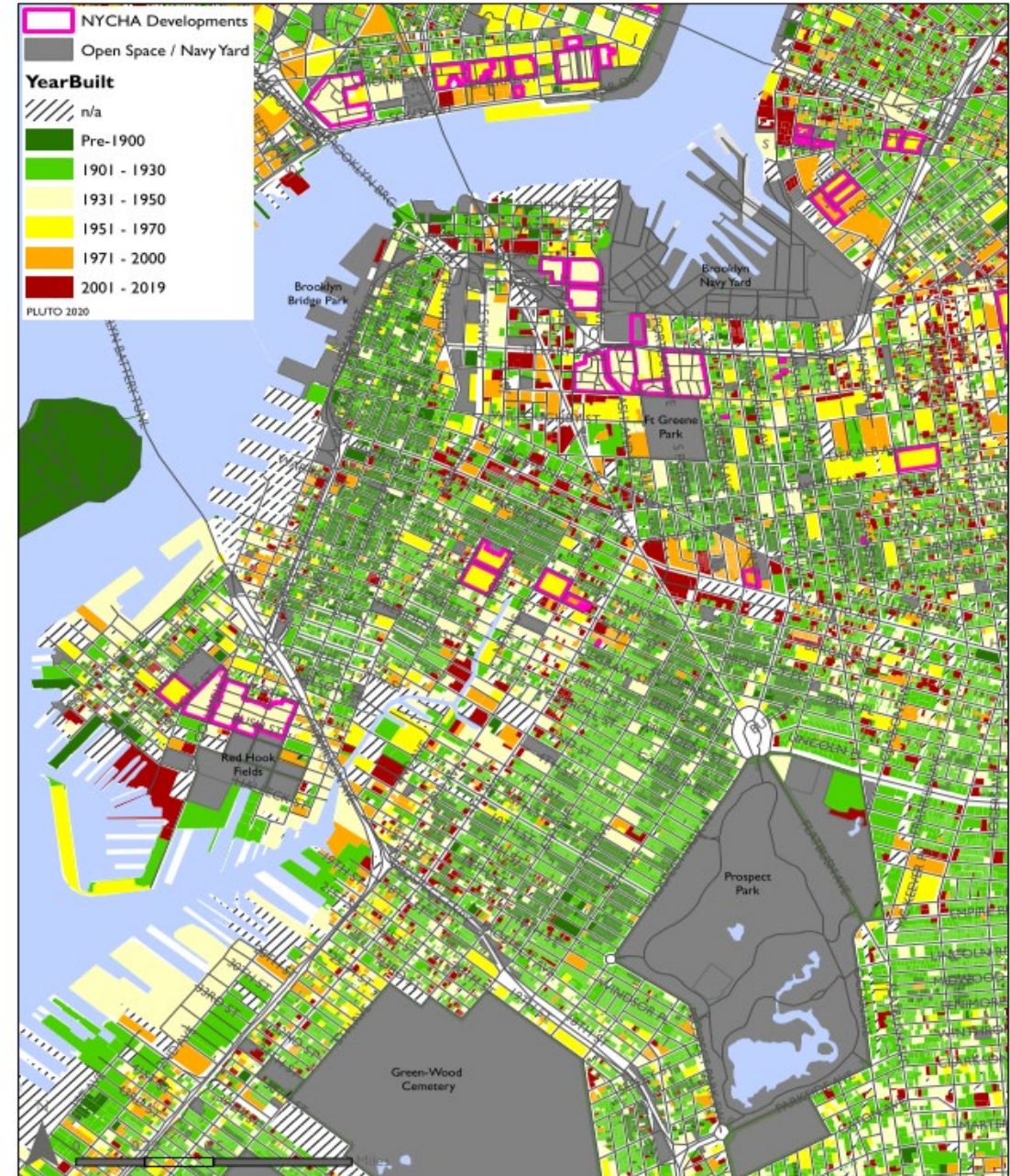
- Int 1572 (Local law 78 of 2021)
 - Codified in NYC Admin. Code Title 25 Sections 117-18
 - Incorporates racial equity reports into the Universal Land Use Review process
- Required reports for residential projects, non-residential projects, zoning amendments, downzoning of historic districts
 - Only 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