

Memorandum

Date: February 9, 2022
To: County Council
From: Elaine Bonner-Tompkins, Ph.D., Senior Legislative Analyst
Office of Legislative Oversight
c: Pamela Dunn, Senior Legislative Analyst, County Council
Chris Cihlar, Ph.D., Director, Office of Legislative Oversight
Marlene Michaelson, Executive Director, County Council
Re: **Initial RESJ Review of Thrive 2050**

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This memorandum responds to the County Council’s request for the Office of Legislative Oversight to conduct a racial equity and social justice analysis of the Planning, Housing and Economic Development (PHED) Committee’s Draft of Thrive Montgomery 2050. The County Council assigned OLO this task on January 13, 2021.

OLO finds that the request to develop a RESJ impact statement for Thrive 2050 was premature as the PHED Committee draft is not yet ready for a comprehensive RESJ review. Instead, this memo offers six sets of observations and recommendations for updating Thrive, so it better aligns with best practices for advancing RESJ. Among these, OLO recommends prioritizing the following to update Thrive:¹

- Elicit the meaningful input of residents of color from communities of color and low-income residents to co-create and update Thrive so that it reflects a consensus of land use policies and practices aimed at advancing RESJ; and
- Describe the historic and current drivers of racial inequities in land use, housing, transportation and other policy areas that Thrive seeks to address.

This memo teases out OLO’s observations and offers recommendations for developing the next iteration of Thrive that reflects best practices for developing racially and socially equitable policies. It includes an overview of what is meant by RESJ, OLO’s approach to completing RESJ impact statements, a summary of Thrive’s key components, and recommendations for revising Thrive to advance RESJ.

OLO stands ready to complete a more thorough RESJ review of Thrive that assesses the RESJ impact of each recommended policy and practice when the plan has been updated to reflect best practices to advance racial equity and social justice.

What does Racial Equity and Social Justice mean? As noted in OLO’s RESJ Impact Statements, racial equity and social justice refers to a process that focuses on centering the needs, power and leadership of communities of color and low-income communities with the goal of eliminating racial and social inequities.² Achieving racial equity and social justice usually requires seeing, thinking and working differently to address the racial and social harms that have caused racial and social inequities.

What are Racial Equity and Social Justice Impact Statements? The County’s RESJ Act (Bill 27-19) and its amendments (Bill 44-20) require OLO to prepare RESJ statements that evaluate the anticipated impacts of legislation and zoning text amendments on RESJ in the County. Toward that end, we generally perform four tasks for each bill that we evaluate:

- We review the proposed legislation to understand what policies or programs are being proposed and how they differ from current practice;
- We describe the racial and social inequities, past and present, that characterize the policy area most impacted by the bill;
- With available data, we describe racial and social disparities that result from the racial and social inequities in the policy area most impacted by the bill; and
- We discern the potential RESJ impact of proposed legislation based on a review of who is mostly likely to benefit from the bill, who is most likely to be harmed, and what are the demographics (race, ethnicity, income) of the bill’s “winners and losers.”

If our analysis finds that a bill is likely to widen racial and social disparities, the RESJ Act requires that OLO offer recommendations for potential amendments to mitigate the potential harm of the bill on communities of color and low-income residents. OLO strives to offer recommendations for amendments that align with research-based best practices for advancing RESJ in the policy area most impacted by the bill.

To improve the RESJ impact of proposed legislation, OLO also advises that bill sponsors undertake two steps prior to introducing legislation:

- Partner with stakeholders from communities of color and low-income communities to develop their bills, particularly if either is likely to be significantly impacted by the bill; and
- Convene a RESJ review team to use OLO’s RESJ Legislative Review Tool to consider and improve the RESJ impact of the bill in development if warranted.

What is Thrive 2050? Thrive 2050 is the County’s recommended general plan for long-term development. Every jurisdiction must adopt a general plan, also known as a comprehensive plan, to exercise its authority in land use and zoning. Thrive 2050 updates the County’s general plan first enacted in 1964. It will be used to guide future area master plans, sector plans, and countywide functional plans.

Thrive is organized to achieve five broad objectives:

- Economic performance and competitiveness
- Racial equity and social inclusion
- Environmental resilience
- Improved public health by promoting active lifestyles
- Quality of design highlighting the roles of arts and culture

Together, these objectives establish a vision of what land use decisions, in concert with other public and private investments, can achieve across the County. To achieve its five broad objectives, Thrive describes six land use goals for development in the County:

- Compact communities
- Complete communities
- Improve communities through design, arts and culture
- Improve transportation and communications
- Increase housing supply
- Improve parks and recreation

Further, for each goal chapter, the PHED Committee Draft flags the policies and practices it deems as advancing the economy, racial equity and social justice, and the environment. However, the methodology for assessing the economic, equity, and environmental impact of each policy and practices included in the PHED draft is not explained.

Observations and Recommendations for Thrive 2050 (PHED Committee Draft). The Council tasked OLO to develop a RESJ impact statement for the latest iteration of Thrive – the PHED Committee Draft dated October 25, 2021. OLO staff originally envisioned a RESJ review process that would mirror the template used for our RESJ reviews of legislation. In particular, we envisioned comparing the land use, housing, and transportation policies recommended in Thrive to best practices for advancing RESJ in each of these policy areas to offer OLO recommendations for improving the RESJ impact of Thrive.

As we began to read Thrive’s chapters and other resources for background, we realized that our original expectation for this RESJ Review of Thrive was not feasible for several reasons. In the absence of being able to offer a comprehensive RESJ Review of Thrive, this memo offers the following observations and recommendations for updating Thrive so that OLO can offer a more complete RESJ review.

- *Assemble a group of stakeholders representing communities of color and low-income residents across the County to update Thrive to reflect their experiences, perspectives, and recommendations.* Advancing RESJ requires sharing power with BIPOC and low-income communities to ensure their needs are being met. The scope of Thrive requires an inclusive policy development approach that is informed by lived experiences of people of color and low-income residents to ensure Thrive’s recommendations do not displace current residents.

OLO recommends a review of three resources to support inclusive outreach and engagement with residents from communities of color and low-income communities:

- Seattle’s Inclusive Outreach and Public Engagement Guide³
 - University of Orange’s and DS4SI’s Horizontal Development: Equitable Development for City-Makers⁴
 - Portland’s Equitable Involvement and Engagement Resource List⁵
- *Improve the readability and specificity of Thrive.* The PHED Committee Draft of Thrive is difficult to follow. It offers an amalgam of aspirations, goals, policies and practices that do not follow a consistent format for each chapter. Perhaps the changes that Thrive recommends are difficult to follow because the PHED draft deleted much of the detail included in the Public Hearing draft. In seeking to create a shorter, user-friendly draft, the PHED Committee Draft often lacks clear recommendations that can be evaluated using a RESJ lens.

OLO recommends a re-write of the PHED draft that is more analogous to the Public Hearing draft in terms of readability and specificity. Using the SMART template to draft policy recommendations that are specific, measurable, attainable, relevant, and timely could be useful in revising Thrive as well as adopting the organization and structure of Portland’s 2035 Comprehensive Plan⁶ or other general plans.

- *Add a chapter that describes the historical and current drivers of racial and social inequities in land use, housing, and transportation.* The PHED Draft needs to explicitly describe how racial inequities, both past and present, drive disparities, and the specific roles the public and private sectors play in promoting racial inequities. Theft, exploitation, and exclusion are the common drivers past and present. Thrive recognizes that the accumulation of biases in historical policies have advantaged White residents compared to residents of color and Black residents in particular. Yet it does not acknowledge the current land use policies and practices that exacerbate the County’s wealth and income gaps by race and ethnicity. These include government policies that disproportionately award higher mortgage deductions, enhanced amenities and public services to predominantly White residents and communities.

OLO recommends this chapter describe the continuing profitability of valuing White people and spaces over BIPOC people in development and real estate and the consequences of this market failure on RESJ. OLO recommends reviewing Portland’s Historical Context of Racist Planning: A History of How Planning Segregated Portland⁷ as an example of the research and information to include in the RESJ chapter proposed.

- *Add data and metrics describing the racial and social inequities that Thrive seeks to impact.* Thrive strives to advance RESJ and four other objectives: improved economic performance, environmental resilience, improved public health and quality of design. However what progress will look like for advancing RESJ remains unclear.

OLO recommends that the next iteration of Thrive make explicit the racial and social inequities the general plan seeks to narrow with its recommendations. This includes providing data disaggregated by race and ethnicity to evaluate the economic impact of Thrive's compact and complete communities goals. Thrive should also include measures that monitor racial and social inequities in transportation, housing, parks and recreation to track its performance advancing RESJ.

- *Prioritize equitable economic development.* Thrive leads with a vision for economic development that focuses on attracting new businesses and workers to the County who can afford to reside and/or work in mixed-use, transit-oriented town centers. Yet, this economic development approach could widen racial and social inequities as it primarily offers benefits to affluent and disproportionately White people. For example, research from the Brookings Institution and PolicyLink finds equitable economic development that focuses on building green sector industries, targets talent development, and improves opportunities for BIPOC entrepreneurs spurs greater economic growth than traditional economic development programs that can be ineffective.⁸ Brookings also finds regions with racially and socially inclusive economies experienced greater economic growth than the Washington Metropolitan Area that is characterized by wider racial and social inequities.⁹

OLO recommends that Thrive consider prioritizing equitable economic development as an overarching objective for the County's general plan to simultaneously advance economic development and RESJ.

- *Use OLO's RESJ Legislative Review Tool to discern the anticipated RESJ impact of each policy and practice recommended in Thrive.* OLO's RESJ Legislative Review Tool is designed to apply a racial equity and social justice lens to the development and review of proposed legislation.¹⁰ It offers several prompts to help stakeholders unpack how a bill could impact the County, which groups will benefit from the bill, which groups could be burdened by the bill, and whether a bill should be amended to advance RESJ.

OLO encourages the use of its RESJ Legislative Review Tool to develop and assess the anticipated RESJ impact of recommended policies and practices in Thrive. Use of this tool could also help establish the methodology used to assess the equity impact of proposals included in the PHED draft.

¹ These two recommendations align with the Office of Racial Equity and Social Justice's comments offered to the PHED Committee in the August 16, 2021 memorandum included in the October 21, 2021 PHED Committee packet https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20211025/20211025_PHED1.pdf

² OLO RESJ Impact Statements available online at <https://www.montgomerycountymd.gov/OLO/resjis.html>

³ Seattle's Inclusive Outreach and Public Engagement Guide <https://www.seattle.gov/Documents/Departments/RSJI/GRE/IOPGuide01-11-12.pdf>

⁴ University of Orange's and DS4SI's Horizontal Development: Equitable Development for City-Makers https://static1.squarespace.com/static/53c7166ee4b0e7db2be69480/t/5e5d3f059d88357d4154ab9a/1583169320057/HorizontalDevelopment_Digital_Final.pdf

⁵ Portland's Equitable Involvement and Engagement Resource List

<https://www.portlandoregon.gov/oehr/article/767244>

⁶ Portland's 2035 Comprehensive Plan <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->

⁷ Historical Context of Racist Planning: A History of How Planning Segregated Portland

<https://www.portland.gov/sites/default/files/2019-12/portlandracistplanninghistoryreport.pdf>

⁸ See from Policy Link <https://www.policylink.org/resources-tools/build-equitable-economy> and from Brookings

https://www.brookings.edu/wp-content/uploads/2019/04/2019.04_metro_Clean-Energy-Jobs_Report_Muro-Tomer-Shivaran-Kane.pdf ; <https://www.brookings.edu/essay/to-expand-the-economy-invest-in-black-businesses/>;

and Brookings Metro Monitor 2021 Dashboard, February 2021

<https://www.brookings.edu/interactives/metro-monitor-2021/>;

⁹ Brookings Metro Monitor 2021 Dashboard, February 2021

¹⁰ OLO's RESJ Legislative Review Tool

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/RESJLegislativeTool.pdf>