

**Montgomery County Council Public Hearing – Bill 44-20
Amendments to the Racial Equity and Social Justice Act
October 20, 2020**

My name is Bruce Turnbull and this testimony is presented on behalf of both myself, as a resident of Montgomery County for more than 40 years, and Jews United for Justice (JUFJ). JUFJ represents over 2,000 Jews and allies from across Montgomery County, who act on our shared Jewish values by pursuing social and economic justice and racial equity in our local communities.

The Torah and Talmud teach that humans, in our infinite diversity, are all made in the Divine image, and each of us is precious and deserving. Based on these values, JUFJ was an early and strong supporter of the enactment of the Racial Equity and Social Justice Act (“Act”). We encourage the Council and the Executive Branch to continue to be proactive and energetic in implementing this important law. We support the changes proposed in Bill 44-20, and want to use this opportunity to raise an additional suggestion for an amendment to the law.

The preparation of Racial Equity and Social Justice (“RESJ”) impact statements and their careful consideration by the Council is an important element of this Act. The initial RESJ impact statement prepared by the Office of Legislative Oversight (“OLO”) was an excellent start to this process, and we look forward to working with the OLO in their preparation processes and the Council in its consideration of the findings of these impact statements.

The first RESJ impact statement that the OLO prepared pointed out a potentially significant gap in the Act – its treatment of “expedited” legislation. Such bills are exempt from the Act’s requirement for the preparation and Council consideration of RESJ impact statements, although notably impact statements are provided for fiscal and economic impacts of expedited legislation. JUFJ suggests that the Council use this situation to fill this gap in the current law by requiring that the Council consider RESJ impacts of expedited legislation, including consideration of OLO input on such impacts. Recognizing the need for “expedited” action should not negate the importance of the Council being aware of and taking into account potential racial equity and social justice impacts of such legislation.

In the initial situation, the Council was considering Bill 40-20E to modify the trader’s license fee. The bill was designated as expedited, presumably because the bill’s sponsors believed that delay in its consideration would create hardship for some of those paying these fees. The OLO prepared its normal legislative “action” packet for the Council, dated September 29. That packet included impact statements for fiscal and economic effects of the legislation, but no RESJ impact statement. The Council voted to approve the legislation during its September 29 work session, and the County Executive signed it into law that same day.

At the time the bill was considered by the Council, there was no RESJ impact statement available. Nevertheless, the OLO prepared an RESJ impact statement that was issued on September 30, the day following the Council consideration. That statement found that the bill would “slightly widen racial and social disparities among business owners and among residents.” The statement further said that there are modifications that the Council could consider that would minimize or eliminate these negative impacts but noted that the purpose of the legislation was not to address such impacts.

We see two problems here – First, OLO was within a day of issuing its RESJ impact statement when the Council voted to approve the legislation. There is no indication that the Council inquired or attempted to consider the RESJ impacts of this legislation and there was no requirement for the Council to address possible exacerbation of inequities after the bill had already passed.

The second problem is that the RESJ impact statement did not contain suggested amendments to mitigate adverse effects because the bill itself was not intending to address such effects. Here is what the impact statement said:

If the intent of Expedited Bill 40-20 were to narrow disparities in business ownership by race and ethnicity, OLO could offer such amendments. The intent of Expedited Bill 40-20, however, is not to narrow racial and social inequities in the County. As such, this RESJ impact statement does not offer recommended amendments for Expedited Bill 40-20.

JUFJ believes that one of the key points of the RESJ impact statement process is to inform the Council of adverse racial equity and social justice impacts in legislation that itself is not directed at such impacts. Indeed, RESJ impact statements may have their most important effect if they point out unintended or unexpected consequences of legislation that is ostensibly directed at issues other than racial equity and social justice.

Consequently, JUFJ encourages the Council to amend the Act to provide for RESJ impact statements for expedited legislation and to direct the OLO to include proposed amendments in RESJ impact statements for all legislation.

JUFJ thanks the Council for this opportunity to submit our views on this important legislation.