Environmental Advisory Board

Meeting Agenda
September 24, 2025   3:00 P.M.
Centennial II HR Conference Room B
805 Central Avenue, Cincinnati, Ohio 45202
Virtual Attendance through Microsoft Teams

<u>Order of Business</u>

I.   **Public Comment**

II.   **Call to Order**

III. **Administrative Action***
- Approval of August 27, 2025 – Meeting minutes

IV.   **Office of Environment and Sustainability Comments**
- Sustainable Ohio Public Energy Council (SOPEC) Process Update

V.   **Information/Updates**
- Meeting with Council Member Owens Updates – Kylie Johnson

VI.   **Items for Vote***
- SOPEC Recommendation Comment

VII. **Presentations**
- Community Engagement Overview – Eunique Avery, Dariah Williams and Stacey Hoffman, Department of City Planning and Engagement
- Codifying Environmental Justice in Decision-Making; Examples to Spark Ideas – Meagan Niebler, Fair Shake

VIII. **Open Discussion**
- TBD

IX.   **Next Meeting**
- October 22, 2025 at 3pm; **Location TBD**

X.   **Adjournment**

*Board Action Requested

Agenda Packet Materials:

- Draft meeting minutes from 8/27/2025
- DRAFT SOPEC Recommendation Comment
- Community Engagement Overview Presentation
- Codifying Environmental Justice in Decision-Making; Examples to Spark Ideas Presentation, V2
- EJ Codification Assessment, September 2025

Environmental Advisory Board
Minutes of August 27, 2025

Members Present:

- **In person:** Dave Schmitt; Douglas Walton; Kylie Johnson, Nayana Shah, Van Sullivan
- **Virtual:** Andrew Musgrave; Emmy Schroder; Ericka Copeland; Julie Shifman; Monica Perdomo; Nathan Alley; Rico Blackman; Susan Sprigg

Members Absent: Ashlee Young

Staff Present: Amanda Testerman; Erin Kabel; Rob McCracken

Meeting: A meeting of the Environmental Advisory Board was held on May 25, 2025 at 3:00 PM at Centennial II HR Conference Room B, 805 Central Avenue, Cincinnati, Ohio 45202.

Meeting Agenda:

I.   **Public Comment**
II.   **Call to Order at 3:02 PM**
III.   **Administrative Action***
- Approval of Jul 23, 2025 – Meeting minutes
IV.   **Office of Environment and Sustainability Comments**
- Solar For All Grant Update – Rob McCracken
    - The City of Cincinnati was included in a sub-award of two Solar For All grants totaling $9.1 million. These funds were slated to provide solar for project at the former Center Hill Landfill. EPA issued a letter on 8/7 with notice of the grant termination. At this time the path to contest this termination is unclear. The city is exploring alternatives to move forward with the solar project without this funding.
V.   **Information/Updates**
- None
VI.   **Items for Vote***
- None
VII.   **Presentations**
- Stormwater Management Utility – Arun Hindupur
- Impervious Surface Fee Update – Larry Falkin
- Sustainable Ohio Public Energy Council (SOPEC) – Rob McCracken
VIII.   **Open Discussion**
- None
I.   **Next Meeting**
- Wednesday September 24, 2025 at 3:00 PM

II.   **Adjournment at 4:07 PM**

Dear City of Cincinnati Council Members,

On behalf of the Environmental Advisory Board (EAB), **we respectfully recommend that the City pursue membership in the Sustainable Ohio Public Energy Council (SOPEC)** to enable the development of a Mercantile Aggregation Program (MAP).

SOPEC, a Council of Governments with over 40 member communities, offers a proven operational platform for energy aggregation. By joining, the City would gain access to MAP—a program designed to aggregate commercial and industrial electricity customers and leverage renewable energy resources. **Importantly, SOPEC membership requires no financial commitment or mandate from the City.**

While the City's existing residential aggregation program—approved by voters in 2011—has been successful, it excludes large commercial users. A MAP would fill this gap for mercantile customers through an opt-in model, offering green energy, competitive pricing, and opportunities to partner with local renewable projects. Businesses are drawn to MAPs for their streamlined purchasing, price stability, and access to innovative energy solutions such as behind-the-meter solar, storage, and grid services.

Developing a MAP aligns directly with the City's 2023 Green Cincinnati Plan goals to reduce emissions 50% by 2030 and achieve carbon neutrality by 2050. **The potential impact is significant: mercantile electric customers consume over 3.5 billion kWh annually—three times the residential sector.** Capturing this market is essential to meeting our City's climate goals. Additionally, adoption would position Cincinnati as a national leader in energy policy innovation, as no U.S. city has yet implemented a MAP.

In closing, joining SOPEC to launch a Mercantile Aggregation Program offers Cincinnati a unique opportunity to lead nationally in energy innovation, building on its successful residential aggregation model. The program would drive substantial emissions reductions, support local businesses in meeting sustainability goals, and attract investment in renewable energy and green jobs. It would also enhance energy resilience for critical infrastructure and City facilities, while offering potential revenue streams to fund climate initiatives or support the City's general budget.

We urge the City to seize this opportunity to lead, innovate, and accelerate our transition to a clean energy future.

Thank you,
City of Cincinnati Environmental Advisory Board

City of Cincinnati Community Engagement Policy

Review, Updates, and What's Next

Overview

1   History of Engagement

2   Engagement Policy Process

3   Internal Engagement Support

4   What's Next – Upcoming Engagement Opportunities

HISTORY OF ENGAGEMENT
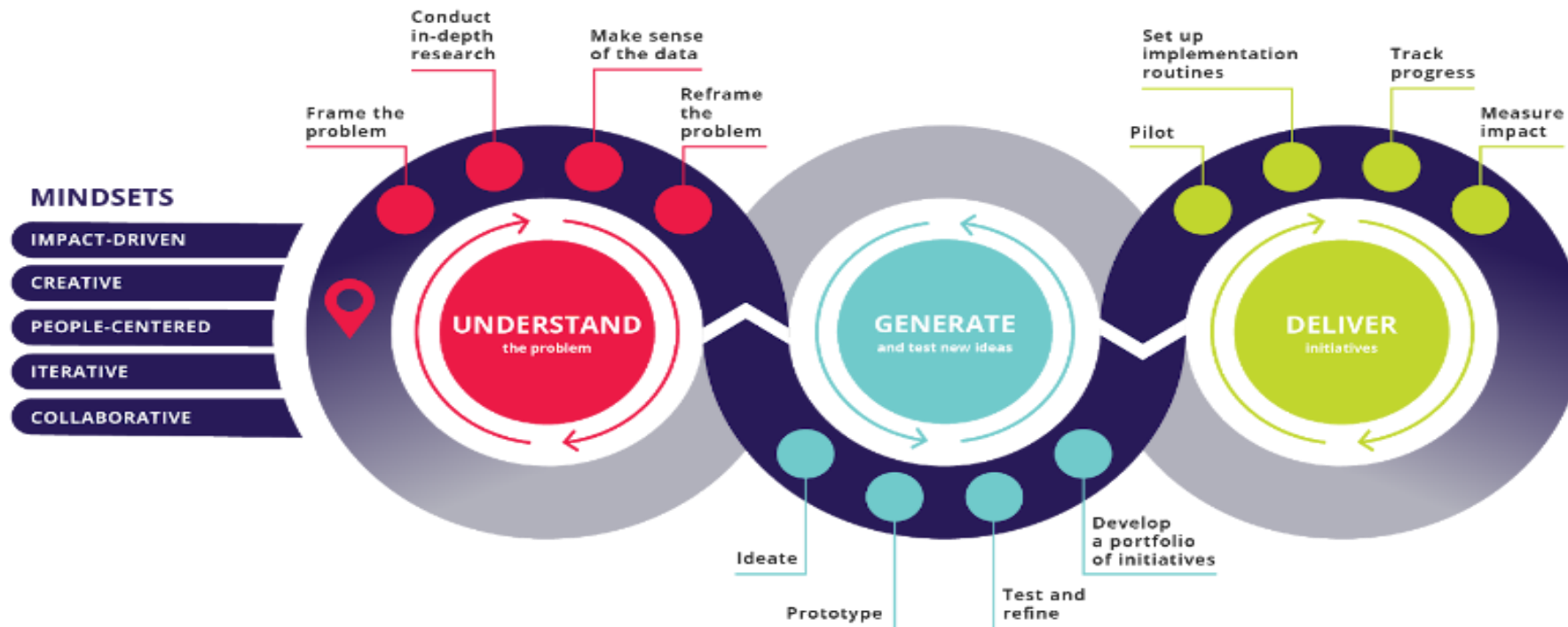
City of Cincinnati Community Engagement

- In **2021,** Cincinnati City Council passed ordinance 0358-2021

- In fall of 2021, The Department of City Planning and Engagement hosted a series of community engagement sessions entitled "Community Conversations" to gather feedback.

- DCPE held **two in person meetings accompanied by a virtual meeting and an online survey.**

- In-person meetings were held at the **Bond Hill Recreation Center and Westwood Town Hall.**

159 SURVEY RESPONSES

41 VIRTUAL

23 BOND HILL

21 WEST WOOD
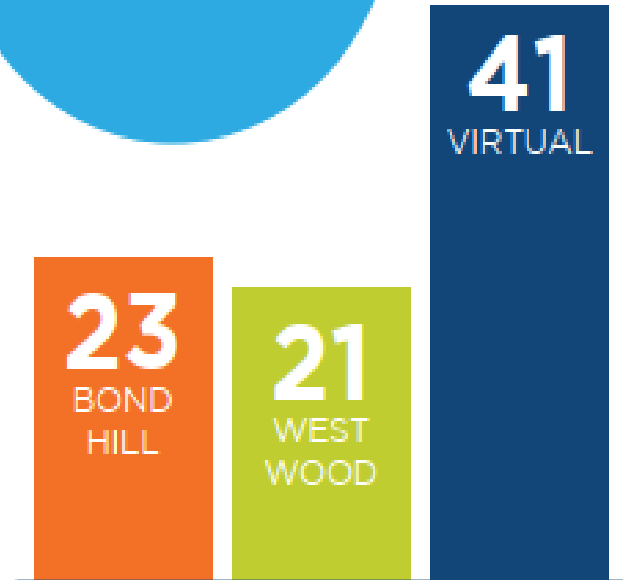
Meeting Attendance

City of Cincinnati Community Engagement

The City applied for and received a grant to participate in the **Bloomberg Center for Public Innovation's year-long community engagement research project.** As a part of the Bloomberg process, **12** City staff members including the City Manager and Mayor participated in workshops to identify and address problems with community engagement.
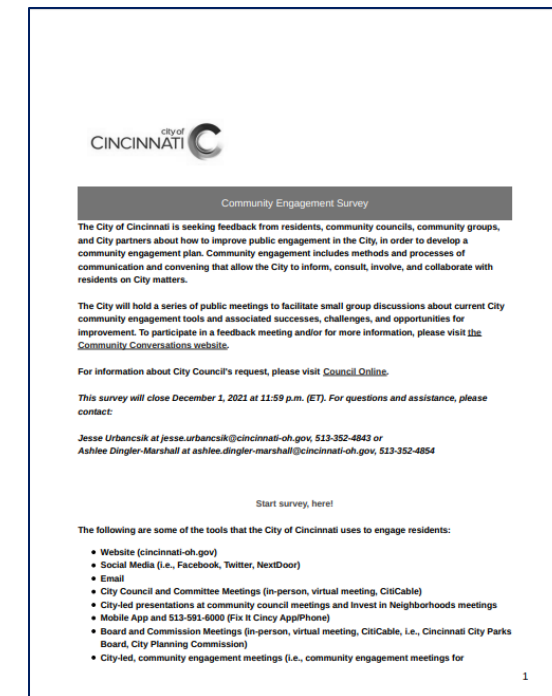
City of Cincinnati Community Engagement

Bloomberg Problem Statement:

The problem is "The City" has historically relied upon expediency, perceived expertise, and prioritizing comfortable relationships with existing power structures, which perpetuates cycles of distrust where community members are apathetic and don't find engagement worth their time.

City of Cincinnati Community Engagement

- In early 2023, DCPE hired two full-time Community Engagement Specialists (CES)

- CES launched an online survey available to all staff members. Over seven hundred employees responded, revealing a need for more in-depth training and a system to track engagement initiatives.

- The Communications and Engagement SIET Team was formed to assist with developing a new community engagement policy and resource guide.

Community Engagement Survey

700 SURVEY RESPONSES

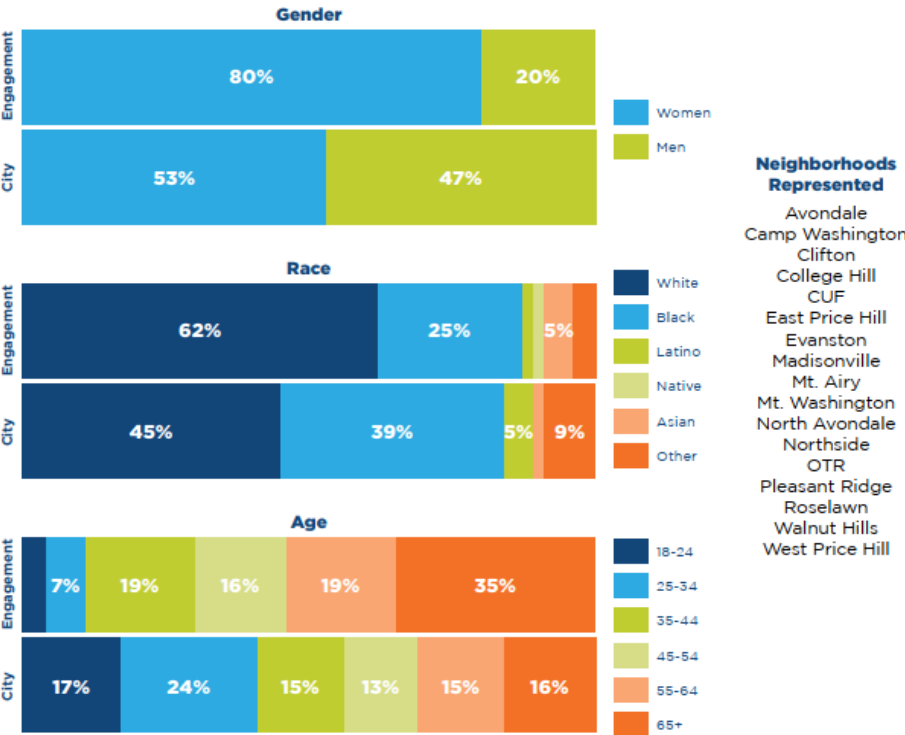# COMMUNITY ENGAGEMENT POLICY PROCESS

City of Cincinnati Community Engagement

Phase one of the Community Engagement Policy began fall of 2023 with the release of the first draft. Community feedback sessions were held at the following Cincinnati Recreation Commission Centers:

☐ Tuesday, October 17, 2023 – Pleasant Ridge Rec Center
☐ Tuesday, October 24, 2023 – Hirsch Recreation Center
☐ Thursday, November 2, 2023 – McKie Recreation Center

Demographic Breakdown

Gender

Engagement: Women 80%, Men 20%
City: Women 53%, Men 47%

Race

Engagement: White 62%, Black 25%, Latino 5%
City: White 45%, Black 39%, 5%, 9%

Age

Engagement: 18-24 7%, 25-34 19%, 35-44 16%, 45-54 19%, 65+ 35%
City: 18-24 17%, 25-34 24%, 35-44 15%, 45-54 13%, 55-64 15%, 65+ 16%

Neighborhoods Represented
Avondale
Camp Washington
Clifton
College Hill
CUF
East Price Hill
Evanston
Madisonville
Mt. Airy
Mt. Washington
North Avondale
Northside
OTR
Pleasant Ridge
Roselawn
Walnut Hills
West Price Hill

City of Cincinnati Community Engagement

CES engaged with various community groups to review the first draft of the community engagement policy and gather their insights on enhancing the culture of engagement in Cincinnati.

CES engaged with:
☐ Parents
☐ Youth
☐ Educators
☐ Culture based organizations
☐ Community Councils
☐ LGBTQIA+ members and allies
☐ Policy coalition members
☐ Accessibility advocates

City of Cincinnati Community Engagement

Phase two began in May 2024 with the release of the second draft policy. The second draft featured several revisions stemming from feedback received on the first draft. These changes included:

- ☐ **SMART Goals** (Specific, Measurable, Achievable, Relevant, Time-bound)
- ☐ **A Measurement Section** to track progress
- ☐ **An Action Section** outlining steps the City will take
- ☐ **Engagement Tracking** to monitor participation
- ☐ **Shared Definitions** developed collaboratively with the public

Copies of the second draft engagement policy and feedback forms were available **at all Cincinnati Recreation Commission Centers and the Downtown Branch of the Hamilton County Cincinnati Public Library.**

A Fresh Approach to Community Engagement

The City of Cincinnati is working to craft a new community engagement policy.

Feedback Opportunity!

Share your input on the second draft of our community engagement policy! Visit any Cincinnati Recreation Center or the Main Cincinnati Public Library downtown to fill out a community feedback form!

City of Cincinnati Community Engagement

External Research

- Met with representatives from the cities of Lancaster, Portland, and Philadelphia to learn about their approach to creating a community engagement resource guide.
- Explored various engagement software options, including Citizens Lab (now Go Vocal), Social Input, Granicus, and Social Pinpoint, to provide community members with timely, transparent, and accessible information. **CES will continue researching potential engagement software to support the goals of the community engagement policy**.

With over three years of ongoing engagement and research, **the new Administrative Regulation for Community Engagement went into effect September 3rd, 2024.**
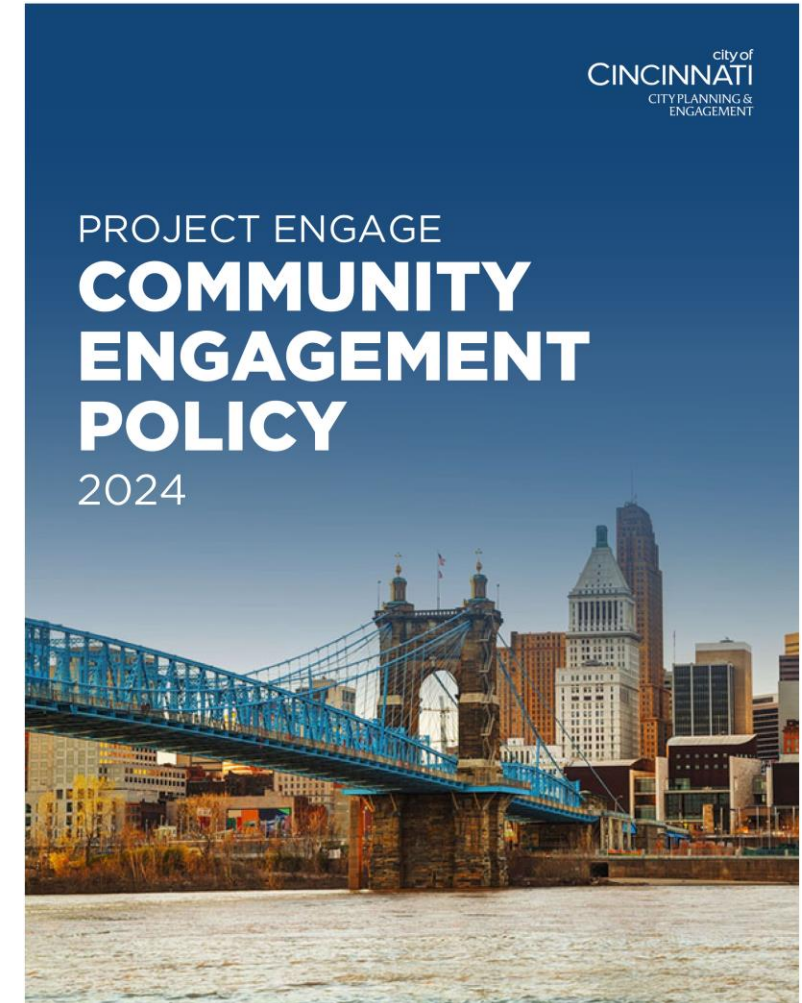
INTERNAL ENGAGEMENT SUPPORT

Department Engagement Champions

Engagement champions serve as liaisons for their respective departments and assist with supporting and strengthening the culture of engagement across the city.

Champions will:

- Take part in engagement education, ideation, and collaboration
- Share engagement successes and challenges
- Support and test engagement strategies led by Community Engagement Specialists
- Share engagement updates and best practices with colleagues

Engagement Website

The Community Engagement Resource website is designed to:

- Introduce the City of Cincinnati's adopted engagement framework
- Assist staff with selecting an engagement level
- Share engagement templates, resources, and success stories
- Highlight upcoming events/initiatives on the engagement calendar
- House all community engagement internal forms

	Level of community power				
	INFORM	**CONSULT**	**INVOLVE**	**COLLABORATE**	**OWN**
Public Participation Goal	Provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	Obtain public feedback on analysis, alternatives and/or decisions.	Work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	Partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	Place final decision-making in the hands of the public.
Promise to the Public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Techniques	• Council Committee Presentations • Development Notices • Social Media Campaigns	• Community Perceptions Survey • Public Comment • Focus Groups	• Mobile Engagement Unit • Policy Explorations	• Neigborhood Plans • Community-driven Advisory Groups (MAG) • Place-based Problem Solving (PIVOT)	• Safe & Clean Fund • Boots on the Ground Fund

Engagement Tracking

All engagements under the following criteria will be tracked:

- Required by law

- Regarding policy creation and/or amendments

- Seeking public input on a proposed project

- Surveying or polling community members

- Support a specific community or neighborhood

- Involve or collaborate with community members

Engagement Training

Engagement trainings are designed to:

- Familiarize staff with engagement materials and resources
- Boost confidence in applying engagement best practices
- Ensure compliance with policy guidelines

Engagement modules are currently being developed.

WHAT'S NEXT?

City Planning & Engagement Community Engagement

- Encourage City Departments to utilize the new engagement website as a resource for tools and best practices.
- Department Champions will remain key liaisons, supporting their departments by identifying potential engagement goals and metrics.
- Continue advancing efforts to create and implement engagement training opportunities for City staff.
- Explore the possibility of developing an engagement guidebook tailored for developers and applicants.

Thank you!
Questions & Discussion

For more information:
https://www.cincinnati-oh.gov/engage/
Engage@Cincinnati-oh.gov

Welcome!

Opportunities to codify environmental justice across city decision-making processes

Fair Shake®

We believe that everyone has the right to make decisions about their air, water, and the places where they live, work, and play.

Community Lawyering

- **Client-centered legal representation** for environmental legal issues, such as oil and gas, clean water and air, stormwater, landfill, mine reclamation, solar, land use, lead, nonprofit formation, and more.

- Pro-bono and sliding-fee-scale rates.

- Licensed in PA, OH, WVA.

Community Democracy

- Support, templates, technical assistance, and "Choose Your Own Adventure" tools to find levers that move your vision into action.

- Community education and engagement to support democracy and environmental justice.

Legal Education

- We train and support new environmental attorneys providing client-centered counseling through internships and continuing education.

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DISCLAIMER

This presentation is designed for **general informational** purposes only.

The information contained in this presentation should **not** be construed to be legal advice or to signify the formation of a lawyer-client relationship.

There are a range of ways other cities have worked to codify environmental justice.

Some of these may help Cincinnati.

- Language Access
- Strengthen Public Participation in Development Approval Processes
- Participatory Budgeting
- Create Equitable Benefits and Protections
- Assess and Mitigate Negative Impacts

GCP Equity Framework

1. **Recognitional equity**—a commitment to identifying and acknowledging injustices affecting specific populations that institutions, including government, have created.

2. **Procedural equity**—a commitment to ensuring that priority community members have a voice in the process to develop and implement programs and policies in an effort to shift power, build trust, and drive accountability.

3. **Distributional equity**—a commitment to develop policies and programs that result in the distribution of benefits across all segments of a community, prioritizing those with the highest need.

4. **Restorational equity**—a commitment to correct past harms through repairing degraded relationships, communities, and other resources.

5. **Transformational equity** - a commitment to prioritize the needs and rights of priority communities by addressing the structural conditions that cause social and racial injustice

Inform	Consult	Involve	Collaborate	Own
Provide the community with balanced and objective information to assist them in understanding the problems, alternatives, opportunities, and/or solutions	Obtain community feedback on analysis, alternatives, and/or decisions	Work directly with the community throughout the process to ensure their concerns and aspirations are consistently understood and considered	Partner with the community in each aspect of the decision, including the development of alternatives and the identification of the preferred solution	Place the final decision making in the hands of the community

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Language Access

Citywide Language Access to Ensure Effective Delivery of City Services (Chicago)

What Is It?

- Requires "pertinent City departments" to create a language assistance plan, translate public documents, and give language access services.

How Does It Work?

- Creates and hires a new position, "Language Access Coordinator" makes a language access plan across City departments.

- All 'pertinent' departments must then have the following for "Limited English Proficiency" persons:
    - Translated essential public files;
    - Interpretation services;
    - Trained workers and managers on language access procedures;
    - Posted signage about free interpretation services;
    - A monitoring system for the language services; and
    - Public awareness strategies.

- The language access plans should address the needs of new populations of LEP persons.

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Strengthen Public Participation in Development Approval Processes

Community Development Forum Requirement
(Calabassas, CA)

What Is It?

This ordinance requires two community forums for new, large developments. The forum requires the developer to hear and consider the ideas and concerns of citizens during the initial design process and permit review process.

How Does It Work?

- Forum #1 is required before submitting a development application to the municipality. The forum must:
    - Be scheduled Monday through Thursday and starting at 6 or 7pm.
    - Be held close to the development project site, at one of two community centers.
    - Be widely publicized. The ordinance spells out the different way the developer needs to notify the public, including direct mailing to all residents who live in that city zone, and ways the municipality will help notify the public, including notifying homeowners' associations, the media, and to develop an email/mail list of people who request notice around this development.
    - Provide all pertinent information, including a detailed list of information that must be shared, such as preliminary plans, zoning and arial maps, contact information.
    - Provide an opportunity for the "public to engage with the project's design team and other subject matter experts. The proper may, at their option, use a "hands on" or interactive design process.
- Forum #2 is required after the review committee has met and is considering the project application.
    - This forum is intended that the applicant tells the public about the project proposals and updates after the first forum;
    - and tell the public about the benefits that the project will contribute to the community.
- *The developer is required to submit a written summary after the first and second forum to the municipality which includes a summary of public comments, suggestions, and concerns, and how those comments, suggestions, and concerns will be addressed.*

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Registered Community Organizations (Pittsburgh)

What Is It?

This ordnance tries to increase communication and public participation in city development decisions by ensuring 'recognized' neighborhood coalitions receive timely and accurate information.

How Does It Work?

- An RCO is a non-profit or group of non-profits that register with the Department of City Planning as stakeholders of a specific neighborhood. RCO's then take the lead in helping to be a conduit between the City and residents. They also play a major role in Development Activity Meetings.
- Development Activity Meetings:
  - Development Activity Meetings are required for any projects that meet certain criteria (typically large-scale projects).
  - Developers must coordinate with the local Registered Community Organization and Neighborhood Planner to schedule the Meeting.
- RCOs must:
  - Notify residents about Development Activity Meetings (D.A.M);
  - Host D.A.M. at an open, ADA accessible facility, or virtually;
  - Provide feedback to the developer; and
  - Create an agenda, take meeting notes for D.A.M, and share them publicly. RCO's can create the type of agenda and facilitation that best meets their communities' needs.
    - Hill District CDC,
- RCO Benefits Include:
  - Receive notice of local projects.
  - Guaranteed D.A.M. with project developer prior to a public hearing.
  - Develop Neighborhood Plans used by the Planning Commission.
  - Featured on official maps, brochures, and directories.

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Participatory Budgeting

Participatory Budgeting (Unincorporated King Co, WA)

What Is It?

This process allows community members to dictate how the County should spend approximately $8,850,000 annually of dollars in their community on capital projects.

How Does It Work?

- Residents in 5 EJ neighborhoods make up a steering committee that creates rules, has final decision-making power on funding decisions, and facilities community engagement to gather additional resident feedback. County staff administer the process, provides logistical and facilitation support to Steering Committee.
- Steering committee membership is open to all members of the public who *live, work, attend school, play, and/or worship in the communities they seek to represent, or who can demonstrate some other strong connection to that community, such as having been displaced from there due to gentrification, with priority to recruit ""take steps to recruit people of color and those who are LGQBTIA, youths, seniors, immigrants, refugees, and/or who have low incomes or disabilities, as well as people from other underrepresented groups", and includes youth, business and community-based organizations."*
- Process:
    - Design – steering committee creates the process and allocates funds to each community.
    - Idea Collection – community members submit project ideas.
    - Proposal Development – community members work with County staff to create project proposals.
    - Voting – community members (12 years and older) vote on proposals through ranked choice voting, with engagement by Steering Committee.
    - Funding – County provides funds.

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Create Equitable Benefits and Protections

Community Benefits Ordinance (Detroit)

What Is It?

Requires that eligible projects must negotiate a Community Benefits Agreement (CBA) with the Neighborhood Advisory Council for eligible projects. A CBA is a legally binding agreement between a community coalition and developer which outlines specific, measurable benefits and protections the development agrees to in exchange for the coalition's support.

How Does It Work?

- This ordinance requires that developments that meet specific criteria must negotiate a Community Benefits Agreement (CBA) with a Neighborhood Advisory Council for eligible projects.
- Project eligibility is determined by the cost/value of the project: the bigger the project/more City support = the amount of benefits
- This ordinance sets requirements for a Neighborhood Advisory Council to negotiate on the CBA for projects that go through this process. Each Neighborhood Advisory Council includes 9 total members from the community:
  - 2 community members living around the project.
  - 4 other community members selected by the Detroit Development Department
  - 3 additional community members, 2 to be selected by council-at-large members, and 1 to be selected by the council member of the district that is most impacted by the project.
  - The ordinance also sets standards for enforcement of the CBA, including the establishment of an Enforcement Committee consisting of:
  - 1 member of the Legislative Policy Division
  - 1 member of the HR Department
  - 1 member from the Law Department
  - 1 member from the Planning & Development Department
  - 1 non-voting member of the Neighborhood Advisory Council
- Community benefits are not set by the ordinance but are determined and negotiated for each project by the Neighborhood Advisory Council, the Planning & Development Department, and the developer.
- Some benefits have included affordable housing, first-source hiring, and green space.

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Assess and Mitigate Negative Impacts

City Environmental Quality Review (NYC)

What Is It?

This process (mandated by a State law), adapts the federal NEPA policy and requires the City to think through environmental consequences – both good and bad – before making a decision about approvals, permits, city funding, or action being taken by a city agency.

How Does It Work?

- The CEQR is a disclosure process to help with decision-making, not an approval process.
- A CEQR view starts when a city agency has funding and undertaking to approve. If an answer to any of the following questions is "yes" then CEQR starts:
  - Does the project need approval or permits from any city agency?
  - Will city funding be requested in order to complete the project?
  - Is the project undertaken by a city agency?
- CEQR has different levels of review by asking the following questions.
  - Type II actions have 'no significant effect on the environment. Examples: repair of existing structures, monir construction, some small zoning changes or uses.
    - If YES, then no further review is needed.
  - Type I action are anticipated to have "significant adverse environmental impacts." Examples: land use, zoning changes, land acquisitions, residential construction, water usage, parking
    - If YES, then a review is completed. Projects can require a full Environmental Impact Statement including required public participation if they are found to have potential significant effects.
    - The Environmental Impact Statement includes alternatives and ways the city could mitigate harm around these issue areas and more: land use, socioeconomic conditions, community facilities, open space, historic and cultural resources, urban design, natural resources, hazardous materials, infrastructure, waste, energy, transportation, air quality, noise, and public health.
  - Unlisted actions are those that don't fit into Type I or II and the impact us known. Examples: minor zoning variances, small construction activities, projects impacting historic or ecologically sensitive areas.
    - If YES, then a review is completed. Projects without impact require no further action. Projects with potential impact start moving through the Type I process.
- Ultimately, this is a process to help decision-making, but the City can still make a decision it wants even if the Review shows a major negative impact.

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Racial Equity Reports on Housing and Opportunity (NYC)

What Is It?

This ordinance requires a racial impact analysis in land-use applications that meet certain criteria, with the goal to assess how a land use decision may impact those living in and around the proposed development.

How Does It Work?

- Development projects that meet certain criteria are required to complete a Racial Equity Report.
- A summary of the Racial Equity Report, listing demographics of the area;
  - Description of residential cost after the proposed project;
  - Details of the non-residential uses of the development area;
  - Estimate the number of jobs created because of the development;
  - Use the Equitable Development Tool to create a community profile summary of the developed area;
  - Describe how the proposed project will further fair housing; and
  - Use the Equitable Development Tool to list how community development expands: demographic; household economic security; housing cost, quality, and security.
- The impacted community board and borough president are given copies of the Racial Equity Report. The impacted council member, the public advocate, and the council speaker post the report on its website.
- The application can still be approved even if the assessment shows high racial impacts or resident feedback.

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Cumulative Impact Study Ordinance (Chicago)

What Is It?

This law requires developers seeking a zoning permit for "heavy industrial land uses" (either expansion or new-build) to conduct a cumulative impact study.

An Environmental Justice Advisory Board assess the cumulative impact study and provides recommendations to the Chief Sustainability Officer.

How Does It Work?

- Requires the City to conduct a Cumulative Impact Study and to develop an Environmental Justice Action Plan every five years.

- Creates an Environmental Justice Advisory Board.

- Creates a new staff position, the Environmental Justice Project Manager.

- Change zoning laws - Requires permit-seekers who are proposing projects that are defined as 'heavy industrial land uses' to conduct a Cumulative Impact Study.

  - The study evaluates the project's impact on public health, safety, environmental justice, and the environment within at least a mile radius of the project.
  - Between 14-35 days after the study is submitted, the developer must hold at least one community meeting to share the study, and hear comments.
  - All City groups that received a copy of the study (the EJ Advisory Board, Chief Sustainability Officer, Zoning Administrator, Dept. of Public Health, Dept. of Transportation) have 30 days after the community meeting to submit their comments and recommendations on the study and project.]
  - Zoning approval body can use study as justification to approve or deny application for heavy industrial project.

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Environmental Justice Law (State of New Jersey)

What Is It?

This law requires the Department of Environmental Protection to evaluate environmental and public health impacts of certain facilities when reviewing applications, and requires the state to deny permits if the developer cannot prove they will not avoid disproportionate impacts.

How Does It Work?

- This law has a seven-step process:
  - Determination of Applicability – specific extra-polluting industries or facility in an 'overburdened' community.
  - Initial Screen – DEP gives the applicant information to guide their application, including environmental, cumulative, and public health stressors.
  - Determination of Application Requirements
  - Preparation and Review of an Environmental Justice Impact Statement – developer assesses and prepares a report detailing existing environmental and public health stressors; adverse environmental and public health stressors; presence of adverse cumulative stressors; potential environmental and public health stressors associated with facility; whether the facility can avoid causing a disproportionate impact; measure the facility will propose to implement to avoid a disproportionate impact; how the facility serves a compelling public interest to the overburdened community.
  - Public Participation – at least one in-person public hearing is held, along with a minimum 60-day public comment period.
  - Department Review
  - Department Decision –
    - If facility can avoid disproportionate impact: approves and imposes conditions to ensure disproportionate impact doesn't happen.
    - If facility cannot avoid disproportionate impact: denies for new facilities (unless it demonstrates it serves "compelling public interest"), or requires conditions to address environmental and health stressors for permit renewables or expansions.

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So What?

	"Teeth"	Recognitional Equity	Procedural Equity + Level of Engagement	Distributional Equity	Restorational Equity	Transformational Equity
Language Access Plan Ensures that all City documents and processes are translated.	• Power: administrative • Accountability: disclosure • Enforceability: weak	(green)	Inform		(green)	
Development Forum Requires a participatory and transparent process for developers to hear and acknowledge resident concerns, questions, and feedback at least twice.	• Power: administrative • Accountability: advisory • Enforceability: weak/medium		Consult			
Registered Community Organization Provides a forum for trusted community organizations to have an automatic 'seat-at-the-table' to learn about proposed developments.	• Power: administrative • Accountability: disclosure • Enforceability: weak		Consult			
Participatory Budgeting Gives residents ownership of millions of dollars of county budget to make decisions about how to spend it on capital improvement projects in their neighborhoods.	• Power: administrative • Accountability: semi-binding • Enforceability: medium	(green)	Own			(green)
Community Benefit Ordinance Requires a developer to negotiate and sign a Community Benefits Agreement with a neighborhood coalition for developments that meet certain criteria before the City will approve the project.	• Power: contractual • Accountability: binding • Enforceability: high		Collaborate			(green)
City Environmental Quality Review Requires the City to understand + and - environmental impacts, and alternatives, before a development or project that meets certain criteria is approved or funded.	• Power: administrative • Accountability: disclosure • Enforceability: weak		Inform			
City Racial Impact Assessment Requires a racial impact analysis in land-use applications that meet certain criteria to understand how the development will impact housing and wellbeing.	• Power: administrative • Accountability: disclosure • Enforceability: weak	(green)	Inform			
Cumulative Impact Ordinance Requires 'heavy industrial use' permit applications to conduct a Cumulative Impact Study and gives EJ Advisory Board advisory power.	• Power: statutory • Accountability: statutory (permit denial) • Enforceability: high	(green)	Consult and Involve			
Environmental Justice Law Requires a permitting department to deny a permit if the applicant cannot prove they will avoid disproportionate impacts.	• Power: statutory • Accountability: statutory (permit denial) • Enforceability: very high	(green)	Consult			(green)

**https://www.
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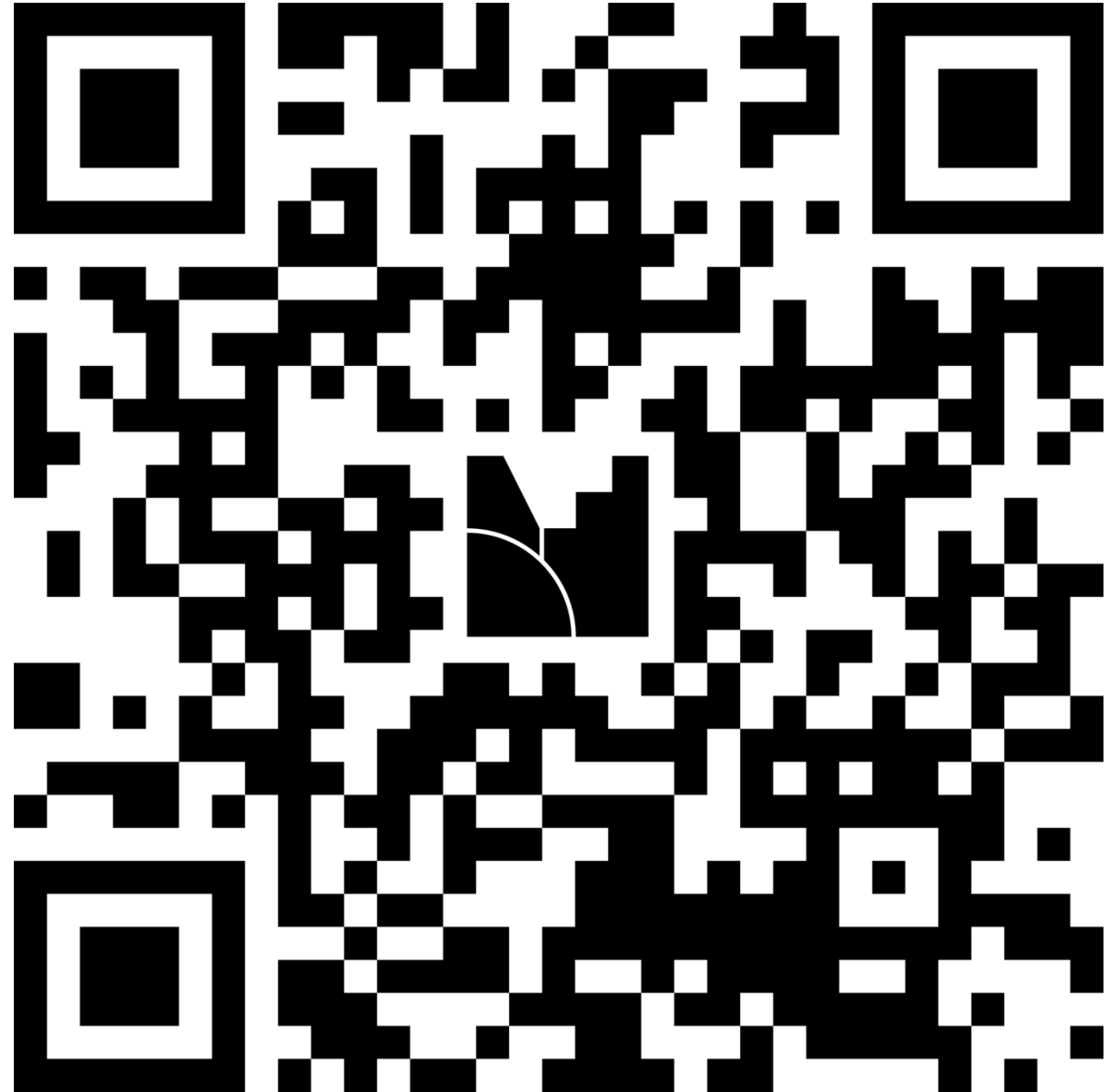
Goal: codify environmental justice across city decision-making processes.

- This scan provides a range of examples to spark ideas about what types of laws and/or processes could work for Cincinnati to codify environmental justice across city decision-making processes.
- We used Cincinnati's Equity Framework and the City's community engagement framework (developed by IAP2) to help assess each example.
- No policy or law is perfect. All of these represent a range of ways cities have tried to incorporate equity into city decision-making, and there are pros and cons to all options, along with ways that they could be strengthened and adapted to Cincinnati's context, strengths, existing laws, and goals.

GCP Equity Framework

1. **Recognitional equity**—a commitment to identifying and acknowledging injustices affecting specific populations that institutions, including government, have created.

2. **Procedural equity**—a commitment to ensuring that priority community members have a voice in the process to develop and implement programs and policies in an effort to shift power, build trust, and drive accountability.

3. **Distributional equity**—a commitment to develop policies and programs that result in the distribution of benefits across all segments of a community, prioritizing those with the highest need.

4. **Restorational equity**—a commitment to correct past harms through repairing degraded relationships, communities, and other resources.

5. **Transformational equity** - a commitment to prioritize the needs and rights of priority communities by addressing the structural conditions that cause social and racial injustice

Inform	Consult	Involve	Collaborate	Own
Provide the community with balanced and objective information to assist them in understanding the problems, alternatives, opportunities, and/or solutions	Obtain community feedback on analysis, alternatives, and/or decisions	Work directly with the community throughout the process to ensure their concerns and aspirations are consistently understood and considered	Partner with the community in each aspect of the decision, including the development of alternatives and the identification of the preferred solution	Place the final decision making in the hands of the community

Questions to consider:

- How could something like this support the codification of environmental justice across city decision-making processes?
- When should this process be triggered to reach environmental justice?
- What pieces of equity does this address? Are there ways that this could be strengthened to hit more pieces of equity?
- Who should have accountability, oversight, and enforcement?
- What would success look like for this to be passed and implemented? What are concrete measures of success?
- What would this look like here? What could work well within our City and where would the struggle points come from?
- What types of training would be needed for the City and community?
- How can we get feedback from the community to help inform next steps?

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LANGUAGE ACCESS

Chicago, IL – "Citywide Language Access to Ensure the Effective Delivery of City Services"
This Ordinance requires "pertinent City departments" to create a language assistance plan, translate public documents, and give language access services.

Process	A language access coordinator makes a language access policy. This plan shall include four factors, which are: • The number of limited-English proficiency (LEP) persons; • Number of LEP persons who use the department; • The importance of services to the LEP persons; and • Resources to provide language services. The language access policy must have the following for LEP persons: • Translate essential public files; • Interpretation services; • Train workers and managers on language access procedures; • Post signage about free interpretation services; • Create a monitoring system for the language services; and • Create public awareness strategies. The language access plans should address the needs of new populations of LEP persons. Measures of Success: Reports filed (translations, access data)
Equity Framework	• Recognitional – recognizes that residents with LEP have been excluded in public participation in the past if all city documents and processes happen in English. • Procedural (Inform) – provides additional information to help communities with LEP understand city laws and participate in participation opportunities. • Restorational – acknowledges that land-use laws, processes, and policies have excluded LEP residents in the past, and strives to correct that through repaired relationships and resources.
Highlights + Considerations	More Information, and details about other cities such as NYC and Chapel Hill, NC are listed here. Chicago promotes compliance through reporting and auditing. The Language Access Coordinator must file reports. The reports include: • Files translated; • Number of translated forms used/requested; • Number of people who used service; • Number of staff people who speak more than one language. The ordinances' use of "pertinent" is vague. So, it could be useful to create guidelines on what departments are required. This may be particularly important as Cincinnati becomes an area for climate refugees.

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More Information	• https://sustainablecitycode.org/brief/language-access-for-land-use-processes-2/ • https://www.chicago.gov/city/en/depts/mayor/supp_info/office-of-new-americans/language-access.html

STRENGTHEN PUBLIC PARTICIPATION IN DEVELOPMENT APPROVAL PROCESSES

Calabasas, CA – "Community Development Forum Requirement" This ordinance requires two community forums for new, large developments. The goal is to inform and engage the community before and during large developments seeking local permits. The forum requires the developer to hear and consider the ideas and concerns of citizens during the initial design process and permit review process.	
Process	The ordinance requires large developments (larger than 10,000 sq. ft. or requiring a zone change, variance, or other modification) to host two community development forums. Forum #1 is required before submitting a development application to the municipality. The forum must: • Be scheduled Monday through Thursday and starting at 6 or 7pm. • Be held close to the development project site, at one of two community centers. • Be widely publicized. The ordinance spells out the different way the developer needs to notify the public, including direct mailing to all residents who live in that city zone, and ways the municipality will help notify the public, including notifying homeowners' associations, the media, and to develop an email/mail list of people who request notice around this development. • Provide all pertinent information, including a detailed list of information that must be shared, such as preliminary plans, zoning and aerial maps, contact information. • Provide an opportunity for the public to engage with the project's design team and other subject matter experts. The proper may, at their option, use a "hands on" or interactive design process. Forum #2 is required after the review committee has met and is considering the project application. This forum is intended for the applicant to tell the public about the project proposals and updates after the first forum and tell the public about the benefits that the project will contribute to the community. • Be scheduled Monday through Thursday and starting at 6 or 7pm. • Be held at council chambers or one of two community centers. • Be widely publicized like forum #1. • Provide all pertinent information, including an updated project plan, renderings or models, a written narrative about issues like traffic, parking, potential environmental impacts and mitigations. • Include municipal planning staff to answer questions; • Host small-group discussions with members of the project's design and engineering teams and answer specific questions from members of the public. Additionally, "the city anticipates the public will have specific questions regarding project impacts such as traffic, noise, or grading of concern… thus the applicant is required to have…members of the project team qualified to answer questions regarding those…" The developer is required to submit a written summary after the first and second forum to the municipality which includes a summary of public comments, suggestions, and concerns, and how those comments, suggestions, and concerns will be addressed. Measures of Success: Meeting records
Equity Framework	• Procedural (Consult) - This ordinance enables early and proactive community engagement, and could help marginalized communities participate and ensure their ideas and concerns are heard and considered because it requires:

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	- Public input before the initial development proposal is submitted; - Stronger notification than traditional notices (that are only found on the development site and in a local newspaper); - The developer to hear and answer questions from the community; - Requirement to have experts on-hand to answer environmental questions; - Small group discussion to give additional ways for community members to ask questions; - The developer will submit questions and concerns, and how they will address those questions and concerns. - Transformational – Strives to shift power dynamics to ensure that community member concerns are actively thought through and incorporated into Company decision-making. (Often, community meetings result in the Company telling the community what to do, however this law requires them to respond to community feedback.)
Highlights	- This ordinance requires small-group discussion as part of an official public participation process, which can provide additional avenues for the community to participate in decision-making processes. - This ordinance also puts the onus on the developer to engage, hear, and integrate community ideas and concerns early into their design plans. - The ordinance does not require the Developer to change their plans because of community feedback, so additional 'carrots and/or sticks' could be added to ensure that community voice is integrated. - No measures of assessment, so it's challenging to be able to assess how well this ordinance is working.
Additional Information	https://www.cityofcalabasas.com/government/community-development/planning-division/development-review

Pittsburgh, Pennsylvania – "Registered Community Organization"
This ordinance tries to increase communication and public participation in city development decisions by ensuring 'recognized' neighborhood coalitions receive timely and accurate information.

Process	An RCO is a non-profit or group of non-profits that register with the Department of City Planning as stakeholders of a specific neighborhood. RCO's then take the lead in helping to be a conduit between the City and residents. They also play a major role in Development Activity Meetings. Development Activity Meetings: - Development Activity Meetings are required for any projects that meet certain criteria and require a Public Hearing through the Planning Commission, Zoning Board, or a few other City Departments. - Developers apply to the City and must coordinate with the local Registered Community Organization and Neighborhood Planner to schedule the Meeting. RCOs must: - Notify residents about Development Activity Meetings (D.A.M); - Host D.A.M. at an open, ADA accessible facility, or virtually; - Provide feedback to the developer; and - Create an agenda, take meeting notes for D.A.M, and share them publicly. RCO's can create the type of agenda and facilitation that best meets their communities' needs. - One example of a very strong, community-driven Development Activity Meeting process is the Hill District CDC, who facilitates a community vote. If the community has a positive response, the Hill District supports the proposal. If the community has a negative

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	response, the Hill District CDC provides feedback and makes recommendations to the Developer, who then refines and sets up a second Development Review Panel. RCO Benefits Include: • Receive notice of local projects. • Guaranteed D.A.M. with the project developer prior to a public hearing. • Develop Neighborhood Plans used by the Planning Commission. • Featured on official maps, brochures, and directories. Council can still vote to approve developments even without the approval of the RCO. Measures of success: Meetings held
Equity Framework	• Procedural equity (Consult) – recognizes the expertise of local organizations and ensures that those organizations have a 'seat-at-the-table' for development proposals.
Highlights + Considerations	• RCOs are established in different neighborhoods in Pittsburgh and are designed to reflect the attitudes of community members. • Pittsburgh allows multiple organizations to serve as RCO's for one geography. This can be a pro because it ensures multiple viewpoints can be heard. It can also be a con and can cause conflict between organizations. An example of a messy development that highlights this push/pull.
Additional Information	• https://www.pittsburghpa.gov/Business-Development/City-Planning/Planning-Programs/Registered-Community-Organizations/Development-Activities-Meeting • https://www.pittsburghpa.gov/Business-Development/City-Planning/Planning-Programs/Registered-Community-Organizations • https://www.publicsource.org/pittsburgh-registered-community-organization-program-development-divisive-system/

PARTICIPATORY BUDGETING

Unincorporated King County – "Participatory Budgeting" This process allows community members to spend approximately $8,850,000 annually of dollars in their community on capital projects.

Process	• This program focuses on five environmental justice communities in King County. • This is a collaboration between County staff and residents. Residents make up a steering committee that creates rules, has final decision-making power on funding decisions, and facilitates community engagement to gather additional resident feedback. County staff administers the process, provides logistical and facilitation support to the Steering Committee. • "Membership on the steering committee is open to all members of the public who live, work, attend school, play, and/or worship in the communities they seek to represent, or who can demonstrate some other strong connection to that community, such as having been displaced from there due to gentrification." • King County staff "take steps to recruit people of color and those who are LGBTQIA, youths, seniors, immigrants, refugees, and/or who have low incomes or disabilities, as well as people from other underrepresented groups", and includes youth, business and community-based organizations. The process includes: • Design – the steering committee creates the process and allocates funds to each community. • Idea Collection – community members submit project ideas in person, online, by phone, or via paper.

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	- Proposal Development – volunteers work with County staff to create project proposals. - Voting – Community members vote on proposals through ranked choice voting. The Steering Committee facilitates engagement "to engage descendants of enslaved African Americans, Native Americans, and other communities of color." Any resident age 12 and older can vote without citizenship or identification requirements. - Funding – County provides funds. Funds can be spent on capital projects, which has included things like sidewalk and street improvements, park improvements, community gardens, and public art. Measures of Success: Engagement data, Budget tracking of funded projects
Equity Framework	- Recognitional equity – names and recognizes communities that have been negatively impacted by lack of funding. - Procedural equity (Own) – gives decision-making power to those historically left out, including "LGBTQIA, youths, seniors, immigrants, refugees, and/or who have low incomes or disabilities, as well as people from other underrepresented groups" - Distributional equity – prioritizes capital project funding in communities that need it the most. - Restorational equity – attempts to correct past harms by ensuring communities lead and make decisions about how capital funding is spent in their community. - Transformational - prioritizes and sets aside funding for capital investments from the City budget to EJ communities.
Highlights + Considerations	Anti-displacement is listed as a priority area for proposals – "capital projects must incorporate measures to prevent displacement and ensure stability and well-being for vulnerable populations…"
Additional Information	- https://cdn.kingcounty.gov/-/media/king-county/depts/local-services/director/programs/participatory-budgeting/2023-2024-pb-guidebook-en.pdf?rev=48a9f669bb574fa9b73ee1d017795ce4&hash=AB54E1F56074A26C6C50B971743A9106 - https://www.westsideseattle.com/robinson-papers/2024/12/18/king-countys-participatory-budgeting-program-empowers-communities - https://southseattleemerald.org/news/2022/08/25/king-county-communities-make-history-with-participatory-budget-process

CREATE EQUITABLE BENEFITS AND PROTECTIONS

Detroit, MI – "Community Benefit Ordinance" This ordinance requires that eligible projects must negotiate a Community Benefits Agreement (CBA) with the Neighborhood Advisory Council for eligible projects. A CBA is a legally binding agreement between a community coalition and developer which outlines specific, measurable benefits and protections the development agrees to in exchange for the coalition's support.	
Process	This ordinance requires that developments that meet specific criteria must negotiate a Community Benefits Agreement (CBA) with a Neighborhood Advisory Council for eligible projects. A CBA is a legally binding agreement between a community coalition and developer which outlines specific, measurable benefits and protections the development agrees to in exchange for the City's support. Project eligibility is determined by the cost/value of the project: - Tier 1: The project costs: $75+ million USD AND the project accepts tax breaks from the city ($1 million USD or more) OR the project uses city-owned land that is valued at least $1 million USD. - Tier 2: The project costs $3+ million USD AND the project accepts tax breaks ($300,000 or more) from the city OR uses city-owned land that is valued at $300,000 or more.

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	This ordinance sets requirements for a Neighborhood Advisory Council to negotiate on the CBA for projects that go through this process. Each Neighborhood Advisory Council includes 9 total members from the community: • 2 community members living around the project. • 4 other community members selected by the Detroit Development Department • 3 additional community members, 2 to be selected by council-at-large members, and 1 to be selected by the council member of the district that is most impacted by the project. The ordinance also sets standards for enforcement of the CBA, including the establishment of an Enforcement Committee consisting of: • 1 member of the Legislative Policy Division • 1 member of the HR Department • 1 member from the Law Department • 1 member from the Planning & Development Department • 1 non-voting member of the Neighborhood Advisory Council Community benefits are not set by the ordinance but are determined and negotiated for each project by the Neighborhood Advisory Council, the Planning & Development Department, and the developer. Some benefits have included affordable housing, first-source hiring, and green space. Measures of Success: Oversight committee compliance reports
Equity Framework	• Procedural equity (Collaborate) – makes sure residents have a 'seat-at-the-table' and power to negotiate benefits and protections. • Distributional equity – ensures that communities receive at least some measurable, tangible, community-driven benefits and protections when new developments are trying to enter their community. • Restorational equity – strives to build trust and collaboration between City, residents, and developers by giving residents decision-making power. • Transformational equity – creates an automatic structure to give communities decision-making power, instead of requiring communities to advocate to get a 'seat-at-the-table'.
Highlights	This ordinance was passed by a ballot measure. On the ballot were two competing community benefit ordinances – this example that was ultimately passed was the less progressive of the two. To see the story of this ordinance and the second ordinance option, take a look at this story shared by the Equitable Detroit Coalition and the Detroit People's Platform. This is the first CBO that was created in the country, and has been followed by many other cities, including Cleveland.
More Information	• CBO Overview • https://www.wri.org/research/detroits-community-benefits-ordinance-lessons-learned-about-community-engagement-process

ASSESS AND/OR MITIGATE NEGATIVE IMPACTS

New York City, New York – "City Environmental Quality Review" This process (mandated by a State law) adapts the federal NEPA policy and requires the City to think through environmental consequences – both good and bad – before deciding about approvals, permits, city funding, or action being taken by a city agency.	
Process	The CEQR is a disclosure process to help with decision-making, not an approval process. A CEQR view starts when a city agency has funding and undertaking to approve. If an answer to any of the following questions is "yes" then CEQR starts: • Does the project need approval or permits from any city agency? • Will city funding be requested to complete the project?

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	- Is the project undertaken by a city agency? CEQR has different levels of review by asking the following questions. The CEQR glossary with terms is here, and it mirrors the federal process. - Type II actions have 'no significant effect on the environment. Examples: repair of existing structures, minor construction, some small zoning changes or uses. - If YES, then no further review is needed. - Type I actions are anticipated to have "significant adverse environmental impacts." Examples: land use, zoning changes, land acquisitions, residential construction, water usage, parking - If YES, then a review is completed. Projects can require a full Environmental Impact Statement including required public participation if they are found to have potential significant effects. - The Environmental Impact Statement includes alternatives and ways the city could mitigate harm around these issue areas and more: land use, socioeconomic conditions, community facilities, open space, historic and cultural resources, urban design, natural resources, hazardous materials, infrastructure, waste, energy, transportation, air quality, noise, and public health. - Unlisted actions are those that don't fit into Type I or II and the impact is known. Examples: minor zoning variances, small construction activities, projects impacting historic or ecologically sensitive areas. - If YES, then a review is completed. Projects without impact require no further action. Projects with potential impact start moving through the Type I process. Ultimately, this is a process to help decision-making, but the City can still decide it wants even if the Review shows a major negative impact. Measures of Success: Public disclosure (EIS reports)
Equity Framework	- Procedural equity (Inform) – provides information to City Council and residents that they would not typically have, including how the facility will impact their lived environment. - Distributional equity – strives to force the city to understand consequences of potential projects and think through alternatives and ways to mitigate potential harm (although this is more hypothetical than concrete.)
Highlights + Considerations	- Public involvement is decided on a sliding scale based on how severe the potential impact may be. Type I actions are more likely than Type II actions to receive public comment. - The project can still move forward even if the CEQR shows inequitable outcomes.
Additional Information	- https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=5446&context=faculty_scholarship - https://www.nyc.gov/site/oec/environmental-quality-review/ceqr-basics.page

New York City, NY – "Requiring a Citywide Equitable Development Data Tool and Racial Equity Reports on Housing and Opportunity"	
This ordinance requires a racial impact analysis in land-use applications that meet certain criteria, with the goal to assess how a land use decision may impact those living in and around the proposed development.	
Process	Developers pick their application type from the following: - Text change to zoning that affects 5 or more districts; - Historic district designation that affects 4 or more city blocks; - Seeking to change the permitted floor area in a construction district, where a building has at least 100,000 square feet of floor area; - Acquisition of land to have a non-residential project containing at least 50,000 square feet of floor area;

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- Acquisition of land to have a residential project that has at least 50,000 square feet of floor area;
- An increase in permitted residential floor area of at least 50,000 square feet;
- An increase in permitted non-residential floor area of at least 200,000 square feet; or
- A decrease in permitted floor area or number of housing units on at least four contiguous city blocks.

The application must have the following guidelines:

- A summary of the Racial Equity Report, listing demographics of the area;
- Description of residential cost after the proposed project;
- Details of the non-residential uses of the development area;
- Estimate the number of jobs created because of the development;
- Use the Equitable Development Tool to create a community profile summary of the developed area;
- Describe how the proposed project will further fair housing; and
- Use the Equitable Development Tool to list how community development expands: demographic; household economic security; housing cost, quality, and security.

The impacted community board and borough president are given copies of the Racial Equity Report. The impacted council member, the public advocate, and the council speaker post the report on its website. The application can still be approved even if the assessment shows high racial impacts or resident feedback.

Measures of Success: reports filed
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Equity Framework	- Recognitional – recognizes that Communities of Color have been negatively impacted by land-use decisions in the past. - Procedural (Inform) – provides additional information to help communities understand the impact the development could have on their community.
Highlights + Considerations	- Ordinances requiring racial impact analysis have a shorter history in land-use decisions but have been used for longer in ordinances about the local criminal justice systems. More Information, and details about other cities such as Montgomery County, MD and Hoffman Estates, IL are listed here. - This may be a particularly helpful tool to think about housing costs and gentrification but does not apply to all land-use decisions, so could still leave gaps. - The law builds on NYC's "Little NEPA" environmental analysis process to include racial impact analysis as well. The project can still move forward even if the report shows inequitable outcomes. - Recommendations to strengthen this NYC ordinance (as of Spring, 2025 from Pratt): - Provide training to community boards, elected officials, and the public on this process; - Developers should be required to present their findings to boards, City Council, and the public instead of just submitting as a technicality; - Update the Equitable Development Tool so that the public is more easily able to navigate.
Links + Info	- https://sustainablecitycode.org/brief/racial-impact-analysis-in-local-land-use-applications-2/ - https://advocate.nyc.gov/press/nyc-council-vote-racial-impact-study-legislation-aimed-fighting-gentrification-fundamentally-changing-land-use - https://www.prattcenter.net/uploads/0625/1749063304640338/Making-the-Most-RERs.pdf

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- https://www.pratt.edu/news/nycs-racial-equity-reports-another-look/

Chicago – "Hazel Johnson Cumulative Impacts Ordinance"
This law requires developers seeking a zoning permit for "heavy industrial land uses" (either expansion or new build) to conduct a cumulative impact study. An Environmental Justice Advisory Board assesses the cumulative impact study and provides recommendations to the Chief Sustainability Officer.

Process	This law does four main things:
	1. Requires the City to conduct a Cumulative Impact Study and to develop an Environmental Justice Action Plan every five years. The Cumulative Impact Study includes community input; data around environmental, health, social, and historical data indicators; maps that identify EJ priority areas; proposed changes to the EJ Action Plan, and recommendations.
	2. Creates an Environmental Justice Advisory Board. Members are appointed by the Mayor and include: 10 representatives of EJ priority areas; one representative of each of the three NGOs focused on environmental and climate issues in the City; one qualified expert in public health; one qualified expert in environmental or climate issues; one member of the business community; and up to two additional members.
	    • The board helps the City conduct and implement the Cumulative Impact Study and develop the EJ Action Plan;
	    • Reviews, assesses, advises, and recommends on implementation of the Action Plan and other EJ work, policies and ordinances; and
	    • Review zoning cumulative impact studies and provide recommendations to the Chief Sustainability Officer.
	3. Creates a new staff position, the Environmental Justice Project Manager, that reports to the Chief Sustainability Officer and oversees EJ issues across City departments.
	4. Change zoning laws - Requires permit-seekers who are proposing projects that are defined as 'heavy industrial land uses' to conduct a Cumulative Impact Study. This includes: manufacturing, recycling, waste-related, and other intensive industrial uses.
	    • The study evaluates the project's impact on public health, safety, environmental justice, and the environment within at least a mile radius of the project.
	    • Between 14-35 days after the study is submitted, the developer must hold at least one community meeting to share the study and hear comments. The City's Zoning Administrator can require modification of the meeting's date, time, location, and purpose of the meeting, and the developer must notify everyone living within ½ mile radius of the project.
	    • All City groups that received a copy of the study (the EJ Advisory Board, Chief Sustainability Officer, Zoning Administrator, Dept. of Public Health, Dept. of Transportation) have 30 days after the community meeting to submit their comments and recommendations on the study and project.
	    • The zoning approval body can use the cumulative impact study to justify approving or denying a 'heavy industrial land uses' application.
	
	Measures of success: 5-year EJ Action Plan/cumulative studies, zoning decisions

Equity Framework	• Recognitional – studies, names and recognizes that EJ communities have been negatively impacted by permitting decisions in the past. • Procedural (Consult and Involve) - ensures at least one public meeting to hear community concerns and questions and provides EJ Advisory Board Members additional advisory powers. • Distributional - strives to avoid disproportionate and/or cumulative harm to a community.
Highlights + Considerations	• This policy was created through a lifetime of advocacy, and ongoing work by EJ leaders and organizations throughout the city and is named after the "grandmother of EJ" in Chicago. • The project can still move forward even if the study shows inequitable outcomes.

	• This ordinance hasn't passed yet (was introduced in April 2025) but has the strong support of environmental justice groups and organizations, who helped to develop the ordinance. It is confirmed as active but is not yet law.
Additional Information	• https://chicago.councilmatic.org/legislation/o2025-0016697/ • https://www.chicago.gov/city/en/depts/cdph/supp_info/Environment/cumulative-impact-assessment.html • https://www.peopleforcommunityrecovery.org/hazel-m-johnson-cumulative-impacts-ordinance • https://www.chicagoreporter.com/environmental-racism-and-chicagos-new-ordinance-fighting-for-reform/ • https://metroplanning.org/in-support-of-the-hazel-johnson-cumulative-impacts-ordinance/

New Jersey – "Environmental Justice Law" This law requires the Department of Environmental Protection to evaluate environmental and public health impacts of certain facilities when reviewing applications and requires the state to deny permits if the developer cannot prove they will not avoid disproportionate impacts.	

Practicality	This law has a seven-step process:
	 1. Determination of Applicability – specific extra-polluting industries or facilities in an 'overburdened' community.
	 2. Initial Screen – DEP gives the applicant information to guide their application, including environmental, cumulative, and public health stressors.
	 3. Determination of Application Requirements
	 4. Preparation and Review of an Environmental Justice Impact Statement – developer assesses and prepares a report detailing existing environmental and public health stressors; adverse environmental and public health stressors; presence of adverse cumulative stressors; potential environmental and public health stressors associated with facility; whether the facility can avoid causing a disproportionate impact; measure the facility will propose to implement to avoid a disproportionate impact; how the facility serves a compelling public interest to the overburdened community.
	 5. Public Participation – at least one in-person public hearing is held, along with a minimum 60-day public comment period.
	 6. Department Review
	 7. Department Decision –
	     • If a facility can avoid disproportionate impact: approves and imposes conditions to ensure disproportionate impact doesn't happen.
	     • If a facility cannot avoid disproportionate impact: denies for new facilities (unless it demonstrates it serves "compelling public interest") or requires conditions to address environmental and health stressors for permit renewables or expansions.
	 Measures of success: Permits denied in EJ areas

Equity Framework	• Recognitional - names and recognizes that EJ communities have been negatively impacted by permitting decisions in the past. • Procedural (Consult) - ensures at least one public meeting to hear community concerns and questions. (Consult) • Distributional - strives to avoid disproportionate and/or cumulative harm to a community. • Transformational - changes the typical process and requires the department to deny a permit if the application shows disproportionate harm.
Highlights + Considerations	• This policy explicitly states provisions for public participation. This policy very clearly outlines what the applicant is required to do to make sure the public is involved through meetings, testimony, public comment, and the applicant must respond. • Would need to identify the approvals that the city could withhold – for example, zoning approval or building permits.

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	• One of the only laws that both gives the agency power to deny a permit application and requires that they deny the permit application if there will be proven disproportionate impact.
Additional Information	• https://dep.nj.gov/wp-content/uploads/ej/docs/ej-rule-frequently-asked-questions.pdf • https://dep.nj.gov/wp-content/uploads/ej/docs/njdep-ej-rule-flow-chart.pdf • https://kleinmanenergy.upenn.edu/commentary/blog/finally-njs-groundbreaking-environmental-justice-law-is-enforceable/

Key Themes:

Spectrum of Equity and Engagement:

Starting at the end goal can help define both the type of equity that is most critical for the policy, as well as the level of engagement that is needed to get there. Each of these policies is written and implemented in ways that directly affects the primary type of equity it is trying to achieve, and the level of engagement that results from the work. This kind of action can look like providing important information in a more accessible way (Chicago's language access rules), asking for individual input (community forums, Pittsburgh RCOs), sharing power with the community (Detroit's Community Benefits Ordinance, participatory budgeting), or in the instance of New Jersey's EJ law, creating safeguards to block harmful projects.

Questions to consider:

1. Ten years from now, how will you know if you've been successful?
2. To reach that point, what type(s) of equity is most needed to intentionally build?
3. To reach that definition of equity, what level of engagement is most needed?

Different Types of Policy Tools & Power

Different policy tools have varying levels of accountability and power. These can broadly be grouped into three categories: Administrative, Contractual, and Statutory Tools.

- Administrative Tools: These focus more on access and disclosure. They can raise awareness and encourage accountability but do not necessarily guarantee outcomes.
    - Chicago Language Access Ordinance (2015) – Calls for translation, interpretation, signage and training for Limited English Proficiency residents across city agencies.
    - NYC CEQR (1977, updated 2014) – Requires environmental impact reviews for projects of certain size or impact but does not guarantee the cessation of those projects regardless of review findings.
    - NYC Racial Equity Reports (2021) – Developers must produce racial equity reports for qualifying land-use changes.
- Contractual Tools: Transforms community input into enforceable commitment.
    - Detroit Community Benefits Ordinance (2016) – Large projects that get public subsidies must negotiate legally binding Community Benefits Agreements with a Neighborhood Advisory Council.
- Statutory Tools: These provide the legal authority to block, reshape, or mandate changes to projects.
    - New Jersey EJ Law (2020) – The state must assess cumulative environmental and health impacts in overburdened communities when reviewing permit applications.
    - Chicago Hazel M. Johnson Cumulative Impacts Ordinance (2024) – Requires cumulative impact studies for heavy industrial projects, creates an Environmental Justice (EJ) Advisory Board, and mandates recurring EJ Action Plans.

- The level of accountability invoked by these tools can also be broadly categorized in terms of strength and power:
  - o Administrative (Disclosure only) = Weak

  - o Contractual (Binding and enforceable) = Medium
  - o Statutory (Authority with enforcement power) = High

Questions to consider:
- Which of these is the biggest gap to equity-based decision-making now? Prioritize the gaps from biggest to smallest.
- Residents being aware of decisions and/or projects ⮕ focus on data and administration policies
- Residents understanding decisions and/or projects ⮕ focus on data and administration policies
- Residents having a voice in decisions and/or projects ⮕ focus on contract-based tools
- Residents having decision-making power in decision and/or projects ⮕ focus on statutory tools

"Triggers" Determine When Equity Applies
The specific types, sizes, or locations of projects determine what activates–triggers–a rule to apply. Many of these examples, such as NYC's racial equity reports, Detroit's Community Benefit Ordinance, and Chicago's Environmental Justice cumulative impact study, only become necessary if rezoning is above a set threshold, smaller harmful projects may pass undetected and accumulate to create larger detrimental impacts.
Questions to consider:
1. Create a list of projects that have negatively impacted environmental justice in the past?
2. If you were to plot those on a graph, what is the median, average, and range of them in terms of size, cost, City incentives, and project type? What does this tell you about the triggers that would make the biggest impact?

Measures of Success
Cities evaluate EJ codification tools in different ways:
- Chicago Language Access – Annual reports track languages served, and which documents are translated.
- Detroit CBO (Community Benefits Ordinance) – Oversight committee monitors compliance with agreements and publicizes outcomes.
- King County Participatory Budgeting (2021) – Tracks the implementation of projects selected by the residents and allocates those funds accordingly.
- Hazel Johnson Ordinance – Requires citywide cumulative impact studies and updated EJ Action Plans every five years.
- NJ EJ Law – Measures if permit applications are denied in EJ communities.

Infrastructure Needs and Support
Effective implementation of new policy tools requires appropriate staffing and resources:
- Staff – Chicago created a new EJ Project Manager who could coordinate policy implementation.
- Staff time – Pittsburgh's RCOs need municipal staff to organize recognition and engagement.
- Budget – King County PB relies on staff facilitation and outreach funding.
- Translation and Accessibility – Translation budgets are mandated as per Chicago's Language Access Ordinance.
- Meetings and Community Logistics – Calabasas forums need accessible venues and outreach for residents.
Without the necessary resources to facilitate them, even the best policies risk becoming symbolic rather than effective.

This resource is part of Fair Shake Environmental Legal Service's Community Democracy Resource Library. For more information and additional resources, tools, and levers, visit: www.fairshake-els.org.

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Community Democracy River
CODIFYING ENVIRONMNETAL JUSTICE

Considerations for Cincinnati When considering how to codify EJ in Cincinnati, certain challenges should be weighed:

- Community input without action – Policy tools like CEQR and racial equity reports disclose risks but do not alter any outcomes.
- Threshold loopholes – Detroit's CBO applies only if projects cross a certain threshold, which can allow for smaller equally harmful projects to proceed unmitigated. Likewise, NYC's Racial Equity Reports apply only to certain rezonings.
- Representation challenges – Who speaks for 'community', and how do you know if it's reached?
- Resource needs – New policy tools often require new staff, increased budget/allocations, and enforcement mechanisms to be effective.
- Proactive vs. Remedial – Most codification tools seek to shape future decisions/mitigate future harms, but do not redress existing damages like pre-existing landfills or industrial sites.

Ordinance Equity Comparisons

	”Teeth” (how much size and power they hold)	Recognitional Equity	Procedural Equity + Level of Engagement	Distributional Equity	Restorational Equity	Transformational Equity
Chicago, IL – "Citywide Language Access to Ensure the Effective Delivery of City Services" Ensures that all City documents and processes are translated.	•Power: administrative •Accountability: disclosure •Enforceability: weak	[green]	Inform		[green]	
Calabasas, CA – "Community Development Forum Requirement" Requires a participatory and transparent process for developers to hear and acknowledge resident concerns, questions, and feedback at least twice.	•Power: administrative •Accountability: advisory •Enforceability: weak/medium		Consult			
Pittsburgh, Pennsylvania – "Registered Community Organization" Provides a forum for trusted community organizations to have an automatic 'seat-at-the-table' to learn about proposed developments.	•Power: administrative •Accountability: disclosure •Enforceability: weak		Consult			

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Program	Attributes	Spectrum Level
Unincorporated King County – "Participatory Budgeting" Gives residents ownership of millions of dollars of county budget to make decisions about how to spend it on capital improvement projects in their neighborhoods.	•Power: administrative •Accountability: semi-binding •Enforceability: medium	Own
Detroit, MI – "Community Benefit Ordinance" Requires a developer to negotiate and sign a Community Benefits Agreement with a neighborhood coalition for developments that meet certain criteria before the City will approve the project.	•Power: contractual •Accountability: binding •Enforceability: high	Collaborate
New York City, New York – "City Environmental Quality Review" Requires the City to understand + and - environmental impacts, and alternatives, before a development or project that meets certain criteria is approved or funded.	•Power: administrative •Accountability: disclosure •Enforceability: weak	Inform
New York City, NY – "Requiring a Citywide Equitable Development Data Tool and Racial Equity Reports on Housing and Opportunity" Requires a racial impact analysis in land-use applications that meet certain criteria to understand how the development will impact housing and wellbeing.	•Power: administrative •Accountability: disclosure •Enforceability: weak	Inform
Chicago – "Hazel Johnson Cumulative Impacts Ordinance" Requires 'heavy industrial use' permit applications to conduct a Cumulative Impact Study and gives EJ Advisory Board advisory power.	•Power: statutory •Accountability: statutory (permit denial) •Enforceability: high	Consult and Involve
New Jersey – "Environmental Justice Law" Requires a permitting department to deny a permit if the applicant cannot prove they will avoid disproportionate impacts.	•Power: statutory •Accountability: statutory (permit denial) •Enforceability: very high	Consult

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CODIFYING ENVIRONMNETAL JUSTICE

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