

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?

Table of Contents

LANGUAGE ACCESS	3
Chicago, IL – “Citywide Language Access to Ensure the Effective Delivery of City Services”	3
STRENGTHEN PUBLIC PARTICIPATION IN DEVELOPMENT APPROVAL PROCESSES	5
Calabasas, CA – “Community Development Forum Requirement”	5
Pittsburgh, Pennsylvania – “Registered Community Organization”	6
COMMUNITY-DRIVEN BENEFITS AND FUNDING	7
Unincorporated King County – “Participatory Budgeting”	7
Portland, Oregon – “Portland Clean Energy Community Benefits Fund”	10
Detroit, MI – “Community Benefit Ordinance”	11
ASSESS AND/OR MITIGATE NEGATIVE IMPACTS	12
New York City, New York – “City Environmental Quality Review”	12
New York City, NY – “Requiring a Citywide Equitable Development Data Tool and Racial Equity Reports on Housing and Opportunity”	13
Chicago – “Hazel Johnson Cumulative Impacts Ordinance”	14
New Jersey – “Environmental Justice Law”	15
Key Themes:	16
Ordinance Equity Comparisons	19

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.

Costs	- Costs of language access across large U.S. cities includes: translation, telephonic interpretation, compensation for bilingual staff, and on-site interpreters. - There is not a national city standard - cost depends on city size, whether the interpretation is centralized or paid out of a department budget, how many languages are made a priority, and how many people on staff are bi-lingual versus who is hired out of house. - Different ways cities are implementing that can impact cost: - Working to integrate language access into everyday government work, such as budgeting, communications, and program planning so it becomes a part of ongoing city operations: Portland, OR: "As City bureaus work to operationalize language equity into bureau programs, services, activities, planning, decision-making, resource allocation, and policy making," Boston Zoning Commission: interpretation automatically happens in Spanish, Cantonese, Mandarin, Vietnamese, Haitian Creole, and Cape Verdean Creole, and additional interpreting services and document translation services are available upon request at no cost. - Beginning with a Language Access Plan and appointing a Language Access Coordinator in different agencies to manage translation, interpretation, and training (similar to the ordinance above): Philadelphia - "all city departments will designate a language access coordinator charged with overseeing the development of a language access implementation plan." Houston - "All City departments that provide services directly to the public shall designate a <u>Language Access Coordinator</u> (Coordinator) to effect the creation and execution of the department's Language Access policy and implementation plan." Minneapolis – The Neighborhood and Community Relations Department oversees the Language Access Plan and helps City departments create and implement plans. Departments must budget for translation and interpretation services within their departmental budget. - Using vendor contracts and hiring strategically: - Many cities hire companies to provide translation and interpretation. - Centralized contracts (one contract that all departments use) can often save money. - Some cities also budget for staff training and incentives.
---------------------	---

City	What That Includes	Rough Budget Estimation
Boston	2021 Planning and Development's Department's interpretation and translation efforts	\$200,000/year
Seattle	2022 for Seattle Department of Transportation work under their language access program.	\$396, 464/year
New Orleans	Pilot budget allocation to include Language Access Coordinator and consultant (\$118,789); translation and interpretation (\$250,000; and tech and infrastructure needs (\$133,500).	\$500,000 start-up pilot Language Access Plan, with estimate of \$229,000 general funds annually.
New York City	Start-up and annual fees for centralized interpretation services available to immigrants across the five boroughs and will recruit, train and dispatch interpreters to City-funded legal service providers, community navigation sites and City Council offices.	\$1.4 million

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: - 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 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/

COMMUNITY-DRIVEN BENEFITS AND FUNDING

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. • 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...” • Participatory Budgeting in Cleveland: ○ 2020-2022: The Participatory Budgeting Cleveland Coalition advocated for 6% of the city’s ARPA funds (\$30.8 million) to be reserved for a participatory budgeting process. The Coalition collaborated with the Mayor, even in his reduction of \$30.8 million to \$5.5 million. The legislation died in Committee. ○ 2023: PB CLE coalition launched a ballot initiative to require Cleveland to give 2% of the General Fund to participatory budgeting (looking toward Boston’s as an example). A lot of community education and engagement happened, even amongst some challenges with the ballot language. ▪ Oct. 10 - Senate Bill 158 – State Senator Cirino introduced this bill to outlaw participatory budgeting. This bill passed the Senate but died on the House floor. ▪ Nov. 8 - Cleveland vote – the referendum failed to pass with a vote of 51% to 49%. ○ Jan 2024: Senate Bill 91 is signed by DeWine – the bill is mostly about waste, fraud, or abuse reporting requirements for government employees. House Republicans added language banning future participatory budgeting proposals and the new law “precludes local governments from employing the concept of participatory budgeting in allocating public funds...” and “...all local government expenditures must be approved by the entity’s legislative body and can’t only be approved by a vote by residents.” ▪ The new law DOES state that residents can offer input. ▪ Rep. Skindell also argued by the law doesn’t apply to cities where voters have adopted a charter form of government that gives them greater flexibility to set local laws. • Participatory Budgeting in Columbus:

	○ Oct. 2025: Columbus City Council introduced a \$9 million participatory budgeting initiative for 2026 to “empower community members to have direct say in how a portion of the public budget is spent” and an ordinance to approve the funding of \$225,000.00 for participatory-budgeting start-up expenses, including committee member stipends, food, and ‘design-phase’ costs.
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

Portland, Oregon – “Portland Clean Energy Community Benefits Fund” This law creates a sustainable municipal revenue stream which funds community-led clean energy, energy efficiency, and workforce investments throughout the city, as well as in “priority” neighborhoods and communities.	
Process	• Large retailers (those with gross revenues nationally exceeding \$1 billion, and \$500,000 in Portland), have to pay a surcharge of 1% on gross revenues from retail sales in Portland (excluding basic groceries, medicines, and healthcare services.) • This 1% is put into the Portland Clean Energy Fund. • Nonprofits and government entities submit grants to access funding for the following priorities: ○ Renewable energy and energy efficiency projects; ○ Climate jobs training, apprenticeship, and contractor development projects; ○ Regenerative agriculture and green infrastructure projects; ○ Transportation decarbonization projects; ○ Organizational capacity building projects; ○ Other projects that reduce or sequester greenhouse gases. • The Clean Energy Community Benefits Fund Committee reviews grant applications and makes recommendation on which grants should be funded. Committee members are appointed by the Mayor and confirmed by City Council, and lists specific areas of expertise, including: racial, ethnic, and economic diversity that represents the city; expertise with climate action goals and planning; and renewable energy, energy efficiency, and workforce development.
Equity Framework	• Recognitional equity – names and recognizes communities that have been negatively impacted by lack of funding. • Procedural equity (Collaborate) – gives decision-making power (via recommendations to Council) to a community committee, and has the goal of committee representation to reflect the City’s “racial, ethnic, and economic diversity”. • Distributional equity – creates a surcharge for big-box retailers that recognizes the impact they have on greenhouse gas emissions locally, and ensures that funding goes to City solutions to reduce harm from greenhouse gas emissions, specifically in “priority” communities. • Transformational – creates an ongoing and sustainable fund for city climate reduction and mitigation projects.
Highlights + Considerations	• Funded projects include: ○ Rooftop solar in low-income households; ○ Community-solar projects; ○ Updated lighting, greening, HVAC systems in local schools; ○ Net-zero energy multi-using housing units; ○ Tree planting to reduce urban heat and pedestrian safety near schools.
Additional Information	• https://www.portlandcleanenergyfund.com • https://civicwell.org/civic-news/currents-portland-energy/

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. 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? • 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; - 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
Equity Framework	- Recognition – 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 • 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	• Recognition – 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. - 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 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 renewals 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. - 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:

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

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:
 - Administrative (Disclosure only) = Weak
 - Contractual (Binding and enforceable) = Medium
 - 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:

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.

- 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.

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.
- Do any of these EJ Codification Efforts Conflict with Each Other? The majority of these efforts do not conflict, but could compliment each other with careful intentionality and planning. Things to plan around:
 - Permit denials & Community Benefit Agreements - If Cincinnati were to adopt a model similar to NJ's, where the city could deny certain projects if those projects stood to harm the community, it might replace the need for CBAs.
 - Participatory budgeting & state law - The state government might push back against participatory budgeting as they did in [Cleveland](#). However, Columbus is moving forward with participatory budgeting, and there may be avenues and structure that the City can make sure that the community's role is to 'inform' Council's decisions.
 - Community Meetings and Reports - Many ordinances require community meetings at key points in development, along with ongoing opportunities for public feedback. Cincinnati should take a coordinated and intentional approach to ensure these meetings are meaningful and not repetitive if multiple ordinances are implemented. Likewise, several ordinances call for reports before and after development. Establishing a consistent reporting framework would reduce redundancy and provide clear data to support strong decision-making.

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		Inform			
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			
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			
Portland, Oregon – “Clean Energy Community Benefits” This law creates a sustainable municipal revenue stream which funds community-led clean energy, energy efficiency, and workforce investments throughout the city, as well as in “priority” neighborhoods and communities.	•Power: administrative •Accountability: binding •Enforceability: high		Collaborate			

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				