

Castello

Introduced by: Councilmembers Scott, Sneed, Henry, *young* DORSEY

Prepared by: Department of Legislative Reference

Date: April 5, 2018

Referred to: JUDICIARY AND LEGISLATIVE INVESTIGATIONS Committee

*Bullitt, B...*  
*Purkett*  
*Seifer,*  
*W...*  
*Middleton,*  
*Reisinger*  
*Stokes, C*

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0223

A BILL ENTITLED

AN ORDINANCE concerning

Equity Assessment Program

FOR the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

By adding

Article 1 - Mayor, City Council, and Executive Agencies  
Section(s) 39-1 to 39-12, to be under the new subtitle designation,  
"Subtitle 39. Equity Assessment Program"  
Baltimore City Code  
(Edition 2000)

*[Handwritten signatures and initials]*  
*LeDuc*  
*Robert*  
*St...*  
*Clark*  
*...*

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other: \_\_\_\_\_

Other: \_\_\_\_\_

**Boards and Commissions**

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

CITY OF BALTIMORE  
ORDINANCE **18-160**  
Council Bill 18-0223

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Introduced by: Councilmembers Scott, Sneed, Henry, President Young, Councilmembers Dorsey,  
Bullock, Burnett, Pinkett, Schleifer, Cohen, Middleton, Reisinger, Stokes, Clarke, Costello  
Introduced and read first time: April 16, 2018  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: June 25, 2018

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AN ORDINANCE CONCERNING

Equity Assessment Program

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13 Section(s) 39-1 to 39-12, to be under the new subtitle designation,  
14 "Subtitle 39. Equity Assessment Program"  
15 Baltimore City Code  
16 (Edition 2000)

17 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the  
18 Laws of Baltimore City read as follows:

19 Baltimore City Code

20 Article 1. Mayor, City Council, and Executive Agencies

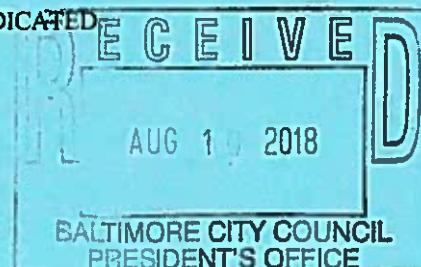
21 SUBTITLE 39. EQUITY ASSESSMENT PROGRAM

22 § 39-1. DEFINITIONS.

23 (A) *IN GENERAL.*

24 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.



Council Bill 18-0223

1 (B) AGENCY.

2 "AGENCY" MEANS ANY DEPARTMENT, AUTHORITY, OFFICE, BOARD, COMMISSION,  
3 COUNCIL, COMMITTEE, OR OTHER UNIT OF THE CITY GOVERNMENT.

4 ~~(C) DIRECTOR.~~

5 ~~"DIRECTOR" MEANS THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF PLANNING~~  
6 ~~OR THAT DIRECTOR'S DESIGNEE.~~

7 (C) EQUITY.

8 "EQUITY" MEANS CLOSING THE GAPS IN POLICY, PRACTICE AND ALLOCATION OF CITY  
9 RESOURCES SO THAT RACE, GENDER, RELIGION, SEXUAL ORIENTATIONS, AND INCOME DO  
10 NOT PREDICT ONE'S SUCCESS, WHILE ALSO IMPROVING OUTCOMES FOR ALL.

11 (D) EQUITY ASSESSMENT.

12 "EQUITY ASSESSMENT" MEANS A SYSTEMATIC PROCESS OF IDENTIFYING POLICIES AND  
13 PRACTICES THAT MAY BE IMPLEMENTED TO IDENTIFY AND REDRESS DISPARATE OUTCOMES  
14 ON THE BASIS OF RACE, GENDER, OR INCOME.

15 (E) GENDER.

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17 IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION, WHETHER OR NOT THAT  
18 GENDER IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION IS DIFFERENT  
19 FROM THAT TRADITIONALLY ASSOCIATED WITH THE SEX ASSIGNED TO THAT PERSON AT  
20 BIRTH.

21 ~~§ 39-2. RULES AND REGULATIONS.~~

22 ~~(A) IN GENERAL.~~

23 ~~THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, MAY ADOPT RULES~~  
24 ~~AND REGULATIONS TO CARRY OUT THIS SUBTITLE.~~

25 ~~(B) FILING WITH LEGISLATIVE REFERENCE.~~

26 ~~A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF~~  
27 ~~LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.~~

28 §§ 39-3 TO 39-5. {RESERVED}

29 § 39-6. PROGRAM INITIATED.

30 THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, SHALL DEVELOP,  
31 ADOPT, AND OVERSEE AN EQUITY ASSESSMENT PROGRAM THAT REQUIRES CITY AGENCIES TO:

Council Bill 18-0223

1 (A) FIRST YEAR OF PROGRAM.

2 IN THE FIRST YEAR FOLLOWING ENACTMENT OF THIS SUBTITLE, AGENCIES MUST  
3 PARTICIPATE IN TRAINING AND ONGOING CAPACITY BUILDING AROUND EQUITY AND  
4 INCLUSION TO PRODUCE A BASELINE ANALYSIS OF THE EQUITY IMPACTS OF THE AGENCY'S  
5 EXISTING AND PROPOSED ACTIONS AND POLICIES, ENCOMPASSING PROGRAMS,  
6 OPERATIONS, AND CAPITAL PROJECTS.

7 (B) SECOND AND SUBSEQUENT YEARS.

8 STARTING IN THE SECOND YEAR FOLLOWING ENACTMENT OF THIS SUBTITLE, EACH CITY  
9 AGENCY MUST DEVELOP, ADOPT, AND OVERSEE AN EQUITY ASSESSMENT PROGRAM THAT  
10 REQUIRES IT TO:

- 11 (1) PROACTIVELY DEVELOP POLICIES, PRACTICES, AND STRATEGIC INVESTMENTS TO  
12 REVERSE DISPARITY TRENDS BASED ON RACE, GENDER, SEXUAL ORIENTATION, OR  
13 INCOME;
- 14 (2) ACT TO ELIMINATE STRUCTURAL AND INSTITUTIONAL RACISM AND  
15 DISCRIMINATION OF ALL KINDS BASED ON IMMUTABLE CHARACTERISTICS TO  
16 ENSURE THAT OUTCOMES AND OPPORTUNITIES FOR ALL PEOPLE ARE NO LONGER  
17 PREDICABLE BASED ON THOSE CHARACTERISTICS;
- 18 (3) DEVELOP AND IMPLEMENT AN EQUITY ACTION PLAN TO INCORPORATE AND EMBED  
19 EQUITY PRINCIPLES AND STRATEGIES INTO CITY OPERATIONS, PROGRAMS,  
20 SERVICES, AND POLICIES; AND
- 21 (4) CONDUCT EQUITY ASSESSMENTS OF EXISTING AND PROPOSED CITY ACTIONS AND,  
22 POLICIES, AND BOTH CAPITAL AND OPERATING BUDGETS.

23 ~~§ 39-7. NOTICE OF PLANNING COMMISSION MEETINGS.~~

24 ~~THE PLANNING COMMISSION SHALL GIVE TO EACH MEMBER OF THE CITY COUNCIL AT LEAST 5~~  
25 ~~DAYS WRITTEN NOTICE OF ANY COMMISSION MEETING AT WHICH THE COMMISSION PROPOSES~~  
26 ~~TO CONSIDER APPROVING:~~

- 27 ~~(1) THE ADOPTION OF OR AMENDMENT TO THE EQUITY ASSESSMENT PROGRAM; OR~~  
28 ~~(2) ANY RULE OR REGULATION ADOPTED OR AMENDED UNDER THIS SUBTITLE.~~

29 § 39-8. AGENCY IMPLEMENTATION – ~~IN GENERAL~~ EQUITY COORDINATOR.

30 ~~THE PROGRAM SHALL REQUIRE EACH CITY AGENCY, IN COOPERATION WITH THE DIRECTOR,~~  
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32 EACH AGENCY MUST:

- 33 (1) IDENTIFY AN EQUITY COORDINATOR WHO SHALL REPORT DIRECTLY TO THE HEAD OF  
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35 PARTICIPATION IN THE EQUITY ASSESSMENT PROGRAM;

Council Bill 18-0223

1 (2) CONDUCT EQUITY ASSESSMENTS OF THE AGENCY'S EXISTING AND PROPOSED  
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3 (3) DEVELOP AND IMPLEMENT A PLAN TO ADDRESS ANY DISPARATE OUTCOMES BASED ON  
4 RACE, GENDER, SEXUAL ORIENTATION, OR INCOME THAT HAVE BEEN IDENTIFIED BY  
5 THE AGENCY'S ASSESSMENTS.

6 § 39-9. ~~AGENCY IMPLANTATION~~ IMPLEMENTATION – BILL REPORTS.

7 WHENEVER AN AGENCY REPORTS TO THE CITY COUNCIL ON A PROPOSED ORDINANCE OR  
8 RESOLUTION, THE AGENCY SHALL INCLUDE IN THAT REPORT THE RESULTS OF AN EQUITY  
9 ASSESSMENT OF THE PROPOSAL'S IMPACT ON ITS OPERATIONS.

10 § 39-10. AGENCY IMPLEMENTATION – CAPITAL BUDGET SCORING.

11 THE DIRECTOR OF PLANNING SHALL CONDUCT AN EQUITY ASSESSMENT ON ANY PROPOSED  
12 CAPITAL BUDGET AND SCORE THE PROPOSED PROJECTS BASED ON THAT ASSESSMENT. THE  
13 RESULTS OF EACH PROPOSED CAPITAL BUDGET SHALL BE PUBLISHED ON THE DEPARTMENT OF  
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15 § 39-11. ANNUAL EQUITY REPORT.

16 (A) *IN GENERAL.*

17 ~~ON OR BEFORE JUNE 30 OF EACH YEAR, THE DIRECTOR SHALL PREPARE AND SUBMIT TO~~  
18 ~~THE MAYOR AND THE CITY COUNCIL AN ANNUAL EQUITY REPORT.~~

19 (1) ON OR BEFORE JUNE 30 OF EACH YEAR BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE  
20 OF THIS SUBTITLE, EACH AGENCY SHALL SUBMIT ITS EQUITY REPORT TO THE MAYOR  
21 AND CITY COUNCIL AND THE DEPARTMENT OF LEGISLATIVE REFERENCE FOR PUBLIC  
22 REVIEW.

23 (2) THE REPORTS SHALL BE MADE AVAILABLE ONLINE.

24 (3) THE CITY COUNCIL MAY HOLD HEARINGS TO REVIEW ANNUAL EQUITY REPORTS AS  
25 WARRANTED.

26 (B) *CONTENTS.*

27 ~~THE~~ EACH REPORT SHALL INCLUDE:

28 (1) AN ASSESSMENT OF PROGRESS TOWARDS ACHIEVEMENT OF THE GOALS OF THE  
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Council Bill 18-0223

1 (5) AN UPDATE ON PROGRESS TOWARDS ELIMINATING PREVIOUSLY IDENTIFIED  
2 DISPARITIES AND IMPLEMENTING ACTIONS RECOMMENDED IN PAST REPORTS.

3 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
4 are not law and may not be considered to have been enacted as a part of this or any prior  
5 Ordinance.

6 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
7 after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of JUL 09 2018

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of JUL 09 2018

  
\_\_\_\_\_  
Chief Clerk

Approved this 10 day of August, 2018

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 9 Day of August 2018

  
\_\_\_\_\_  
Chief Solicitor

100-1000

100

100-1000

100-1000

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100-1000  
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**CITY OF BALTIMORE**  
**ORDINANCE**  
**Council Bill 18-0223**

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3           **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
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5 Ordinance.

6           **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
7 after the date it is enacted.

Certified as duly passed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City



TW 6-25-18

AMENDMENTS TO COUNCIL BILL 18-0223  
(1<sup>st</sup> Reader Copy)

By: The Judiciary and Legislative Investigations Committee  
{To be offered on the Council Floor}

**ADOPTED**

Amendment No. 1

On page 1, in line 4, strike “, to be developed and overseen by the Department of Planning”; and, on that same page, in line 6, after “gender,” insert “sexual orientation.”.

Amendment No. 2

On page 1, strike from “providing” in line 7, down through and including “Program;” in line 8; and, on that same page, in line 8, strike “notices and”.

Amendment No. 3

On page 2, strike lines 8 through 10, in their entireties and substitute:

“(C) EQUITY.

“EQUITY” MEANS CLOSING THE GAPS IN POLICY, PRACTICE AND ALLOCATION OF CITY RESOURCES SO THAT RACE, GENDER, RELIGION, SEXUAL ORIENTATIONS, AND INCOME DO NOT PREDICT ONE’S SUCCESS, WHILE ALSO IMPROVING OUTCOMES FOR ALL.”.

Amendment No. 4

On page 2, strike lines 21 through 27, in their entireties.

Amendment No. 5

On page 2, strike lines 30 and 31, in their entireties and substitute:

“(A) FIRST YEAR OF PROGRAM.

IN THE FIRST YEAR FOLLOWING ENACTMENT OF THIS SUBTITLE, AGENCIES MUST PARTICIPATE IN TRAINING AND ONGOING CAPACITY BUILDING AROUND EQUITY AND INCLUSION TO PRODUCE A BASELINE ANALYSIS OF THE EQUITY IMPACTS OF THE

AGENCY'S EXISTING AND PROPOSED ACTIONS AND POLICIES, ENCOMPASSING PROGRAMS, OPERATIONS, AND CAPITAL PROJECTS.

(B) SECOND AND SUBSEQUENT YEARS.

STARTING IN THE SECOND YEAR FOLLOWING ENACTMENT OF THIS SUBTITLE, EACH CITY AGENCY MUST DEVELOP, ADOPT, AND OVERSEE AN EQUITY ASSESSMENT PROGRAM THAT REQUIRES IT TO:".

Amendment No. 6

On page 3, in line 2, after "GENDER," insert "SEXUAL ORIENTATION,"; and, on that same page, in line 10 strike the second "AND" and substitute a comma; and, in line 11, after "POLICIES", insert ", AND BOTH CAPITAL AND OPERATING BUDGETS".

Amendment No. 7

On page 3, strike lines 12 through 17, in their entireties.

Amendment No. 8

On page 3, in line 18, strike "IN GENERAL" and substitute "EQUITY COORDINATOR"; and, on that same page, strike lines 19 and 20, in their entireties and substitute "EACH AGENCY MUST:"; and, in line 21, after "WHO", insert "SHALL REPORT DIRECTLY TO THE HEAD OF THE AGENCY AND"; and, in line 22, strike "PARTICIPATION IN THE"; and, in line 26, after "GENDER," insert "SEXUAL ORIENTATION,"; and, in line 28, strike "IMPLANTATION" and substitute "IMPLEMENTATION".

Amendment No. 9

On page 3, in line 33, after "DIRECTOR", insert "OF PLANNING"; on that same page, after "ASSESSMENT.", insert "THE RESULTS OF EACH PROPOSED CAPITAL BUDGET SHALL BE PUBLISHED ON THE DEPARTMENT OF PLANNING'S WEBSITE.".

Amendment No. 10

On page 4, strike lines 2 and 3, in their entireties and substitute:

"(1) ON OR BEFORE JUNE 30 OF EACH YEAR BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SUBTITLE, EACH AGENCY SHALL SUBMIT ITS EQUITY REPORT TO THE MAYOR AND CITY COUNCIL AND THE DEPARTMENT OF LEGISLATIVE REFERENCE FOR PUBLIC REVIEW.



(2) THE REPORTS SHALL BE MADE AVAILABLE ONLINE .

(3) THE CITY COUNCIL MAY HOLD HEARINGS TO REVIEW ANNUAL EQUITY REPORTS AS WARRANTED.”;

and, on that same page, in line 6, strike “THE” and substitute “EACH”; and, in line 9, strike “AGENCY” and substitute “ITS”; and, in line 11, after “OF”, insert “ITS”; and, in that same line, strike “CITY”.



**BALTIMORE CITY COUNCIL  
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE  
VOTING RECORD**

BILL#: CC-18-0223      DATE: 6/13/18

**BILL TITLE: Equity Assessment Program**

MOTION BY: Scott      SECONDED BY: Clarke


- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

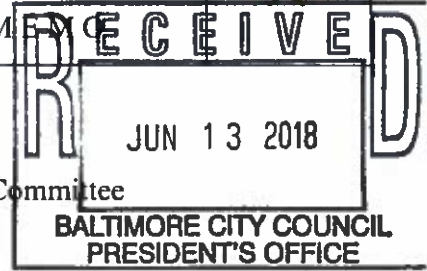
NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>TOTALS</b>	6	0	1	0

CHAIRPERSON: E-T. [Signature]

COMMITTEE STAFF: Matthew L. Peters, Initials: MP



<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Terry Hickey, Director	CITY of  BALTIMORE	
	<b>AGENCY NAME &amp; ADDRESS</b>	Mayor's Office of Human Services (MOHS) 7 E. Redwood Street, 5 <sup>th</sup> Fl.		
	<b>SUBJECT</b>	City Council Bill Report 18-0223		



**DATE:** June 10, 2018  
**TO:** Mayor Catherine E. Pugh  
 Members, City Council Judiciary and Legislative Investigations Committee  
**FROM:** Mayor's Office of Human Services  
**POSITION:** **In Support**  
**RE:** Council Bill 18-0223 – Equity Assessment Program

**INTRODUCTION** - For the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

**PURPOSE/PLANS** – The purpose of this bill is to analyze processes and practices that currently exist throughout the city that aid in exacerbating social inequities throughout Baltimore City. This legislation aims to eliminate such processes and practices, and create new, all-inclusive policies in their place. The new policies will be created and instituted in an effort to eliminate institutionalized racism and discrimination, city wide.

**AGENCY/DEPARTMENT POSITION** –

MOHS (Homeless Services, Head Start, Community Action Partnership, and Youth Services) works to support and uplift some of Baltimore's most vulnerable and disenfranchised populations. We recognize that poverty and homelessness have deep roots in racial inequality and our staff are dedicated to advancing policies and practices that eliminate disparate outcomes and provide equitable access to housing stability and economic opportunity.

The following policies and practices have been completed or are presently underway at MOHS:

**Homeless Services**

- **Data Analysis:** Utilizing the Homeless Management Information System and other evaluation tools, MOHS has the ability to disaggregate and analyze data in ways that are critical to identifying and addressing racial and other key disparities.
  - In 2015, MOHS began tracking racial disparities for Veterans in prevalence of homelessness and successful housing placements. The prevalence of homelessness for Veterans was more closely linked to race than military service. Information was reported to HUD and the VA, resulting in increased outreach and homeless prevention services for black Veterans.

*Favorable with comments*



- In 2017, MOHS began tracking disparities in the prevalence of homelessness and successful housing placements for youth of color and LGBTQ+ youth. The information is utilized to increase access to services for youth of color and LGBTQ+ youth and develop new partnerships that to serve these youth.
- One key federal and local system performance measure addresses employment and income stability and gains for homeless and formerly homeless households. This allows us to understand and address income disparities and the Continuum has a workgroup dedicated to developing strategies pertaining to this.
- **Coordinated Access:** All housing programs funded by MOHS are required to receive their referrals through a centralized assessment, prioritization, and referral system called Coordinated Access. Coordinated Access ensures that programs are following all required Fair Housing requirements which span race, gender identity, ethnic origin, disability status, familial status, sexual orientation and more. This has significantly reduced the prevalence of homeless programs denying entry to individuals on the basis of these attributes, and provides a fair and easy to access reporting tool for clients to report discrimination.
- **LGBTQ+ Standards of Care:** In June 2018, MOHS will release the final standards and implementation plan for homeless services programs. Standards of Care create new policies for homeless service programs, including strategies to ensure equitable treatment and access to services for people identifying as LGBTQ+. All agencies funded by MOHS will be required to implement these standards and will be evaluated based on their performance. The policies and implementation plan were formed in partnership with a workgroup of clients, advocates, and allies serving the LGBTQ+ community. MOHS and key community partners will be providing organizational assessments, technical assistance, and training during 2018-2019 to implement the new standards successfully.
- **Journey to Jobs Analysis:** This report will be released in June 2018 and explores interactions of Baltimore City residents with the homeless service and criminal justice systems with a specific emphasis on the disaggregation of data based on race, gender, age, and housing and employment status. The report recommends the adoption of an explicit racial equity lens, including:
  - Specific and measurable goals for practice and policy changes to support homeless jobseekers of color; Dedicated resources, including positions, technical assistance, trainings, and programming, focused on advancing a racial equity agenda; A plan to track and report on system performance measures related to racial disparities within the homeless service and workforce systems, including additional analysis to better understand the needs of people of color and intersections with gender, sexual orientation, and other key factors that may lead to discrimination and disparate outcomes; and Analysis of the demographic characteristics of organizations and systems serving homeless jobseekers to identify opportunities for professional development and advancement for people of color and people with experience of homelessness, and increase diversity within organizations, workgroups, and leadership boards.





- **Community Participation, Inclusion, and Diversity:** Starting in 2016, the Baltimore City Continuum of Care and MOHS have jointly implemented strategies to advance more diverse, inclusionary planning and decision-making processes and infrastructure to address homelessness.
  - The Continuum's Consumer Advisory Workgroup meets weekly and provides an opportunity for people experiencing homelessness to develop and submit recommendations to the City and meet with City officials and employees. Members of the workgroup are also provided with training and speaking opportunities.
  - The Board requires at least four of its 23 voting members have lived experience of homelessness. Currently, more than 20% of the Board has personal experience of homelessness.
  - Committees and workgroups have increased participation from people with experience of homelessness.
  - Public meetings: The Continuum of Care and MOHS jointly hold public meetings and listening sessions at community-based sites and make materials publicly available. Members of the public can join the Continuum of Care and vote to elect Board representatives.
  - In 2018, the Board began to formally track demographic characteristics and identities of Board members in order to assess its composition based on race, gender, and other factors. This will be utilized by the Governance Committee to inform recruitment and increase diversity.
  
- **Community Outreach Team:** MOHS explicitly solicited applications from and hired people with lived experience of homelessness to promote diversity in the workplace.

#### **Head Start Program:**

- The logic of the Head Start program carries an implicit goal of improving equity among children by targeting vulnerable groups, mostly low-income children, a disproportionate share of whom are racial or ethnic minorities.
- Head Start addresses the problem that low-income children have limited access to high-quality early childhood education and demonstrate lower average achievement scores at kindergarten entry in comparison to their higher-income peers.
- Head Start helps reduce the racial/ethnic gap in access to early childhood education given that black and Hispanic families are more likely to be low-income and therefore susceptible to cost barriers to quality early childhood settings.
- By providing Head Start services that are governed by regulation, it reduces inequities in access and outcomes between children in low-income and higher-income families.

#### **Youth Services:**

- Attended the *People's Institute training on Undoing Racism* organized by the Association of Baltimore Area Grantmakers. The training focused on the effects of racism on structural inequity and participants reflected on the impacts of internalized racial inferiority and internalized racial superiority in their lives



- To increase procedural equity, the youth services team has implemented a community review process and a system to track demographics of community reviewers to assess how well reviewer demographics reflect the demographics of Baltimore City. Data about reviewers is disaggregated by race, gender, ethnicity, and zip code and can be used to drive outreach efforts to recruit more representative reviewers. A breakdown of reviewers recruited to review summer funding collaborative proposals is available on the youth services website and highlights that we need to increase the number of Latino/Hispanic reviewers in the future.


MOHS has identified the following recommendations to ensure the successful implementation of an Equity Assessment Program:

1. Training and technical assistance will be necessary to provide the foundation for developing a meaningful and effective equity assessment; baseline and ongoing data analysis and evaluation capacity needs to be supported.
2. Designated positions within each agency are imperative to developing and implementing an equity lens and agenda. Equity coordinator positions require dedicated resources and specific experience and expertise.
3. Incorporate intersectionality and address equity as it pertains to additional populations and intersecting identities.
4. Build racial equity requirements into RFPs
5. Assess the policies and practices of shelters and other funded programs to provide services and housing that is informed by an understanding of race, ethnicity, gender, etc.
6. Staff trainings and technical assistance are desperately needed within MOHS and the Continuum of Care
7. Analysis of leadership positions, salaries, and promotion rates within MOHS, across City agencies, and within the homeless service provider network
8. Reform hiring practices: revise job descriptions and role requirements, actively solicit applications from disenfranchised groups, blind application reviews, etc.
9. Dedicated staff position to address equity
10. Adopt system performance measures to assess disparate outcomes
11. Refine employment/income measures
12. Analyze placement of formerly homeless households based on neighborhood characteristics
13. Cross-sector analysis of intersecting barriers
14. Improved engagement of excluded groups within the Continuum of Care, its Board, and committees and workgroups

The Mayor's Office of Human Services **supports** City Council Bill 18-0223, and respectfully requests a favorable report. We look forward to engage in a process to develop implementation policies that have flexibility that may rectify any conflict with our future selection and prioritization processes.

If you have any questions, please do not hesitate to contact me directly at Terry.Hickey@baltimorecity.gov or 410-396-7370.



<b>MEMO</b>	Name & Title	Comptroller Joan M. Pratt, CPA <i>JM Pratt, CPA</i>	CITY OF BALTIMORE <b>MEMO</b>	
	Agency Name & Address	Office of the Comptroller 204 City Hall 100 N. Holliday Street		
	Subject	City Council Bill 18-0223 Equity Assessment Program		

**To:** Honorable President and Members  
of the Baltimore City Council  
Attn: Ms. Natawana Austin  
409 City Hall

**Date:** June 13, 2018

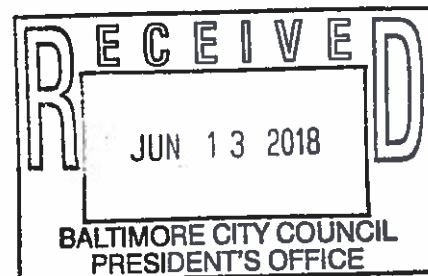
As requested, the Office of the Comptroller has reviewed City Council Bill #18-0223, for the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender or income and to proactively develop policies; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

On May 31, 2018, the Planning Commission had a briefing on the subject bill. The Office of the Comptroller agrees with the recommendation that instead of the Planning Department, perhaps the Department of Human Resources should be the coordinating agency and provide training to agencies to implement this Program. However, we are concerned about how this initiative will impact for agencies with a limited budget and staff, including the Comptroller's Office and its departments. We believe that the implementation of this bill should be phased to allow sufficient time to train staff, develop specific details for notices and reports and identify resources as well as commitments to fund the effective operation of the Program.

The Office of the Comptroller supports the concept of City Council Bill 18-0223 with the amendments suggested by the Planning Commission and the Law Department.

cc: Mr. Kyron Banks

*Favorable with Amendments  
per planning commission &  
Law Dept.*





<b>FROM</b>	NAME & TITLE	Jason Perkins-Cohen, Director
	AGENCY NAME & ADDRESS	Mayor's Office of Employment Development 417 E. Fayette Street, Suite 468
	SUBJECT	City Council Bill 18-0223 – Equity Assessment Program

CITY of  
BALTIMORE  
**MEMO**



*JP*

**TO** The Honorable President and Members of the City Council

DATE: June 8, 2018

City Council Bill 18-0223 proposes to put an Equity Assessment Program in place whereby Baltimore City agencies will be required to assess and redress existing and proposed policies and practices for disparate outcomes on the basis of race, gender or income. Its intent is to establish rules and regulations to implement the program with the goal of eliminating structural and institutional racism and discrimination.

The Mayor's Office of Employment Development (MOED) recently engaged with the Associated Black Charities to identify and train some of our staff on equitable and inclusive practices for workforce development professionals. We believe a race, equity and inclusion lens is critical to improving employment outcomes for Baltimore City's residents and, based on our experience and examination of our own practices, support the approval of City Council Bill 18-0223 with the following amendment:

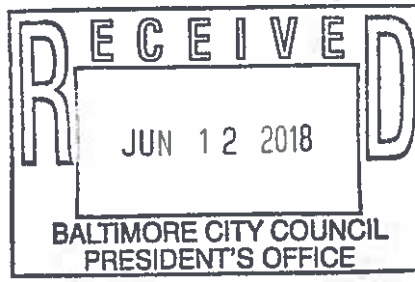
- Include training for Agency Directors and staff to ensure agencies have a common understanding of the historical context, present-day impacts and effective strategies for increasing equity and inclusion

MOED recognizes the impact of structural and institutional racism on employment outcomes of Baltimore City residents and are actively taking steps to ensure our efforts incorporate an equity and inclusion lens. We also believe the many of the impacts of historical racism and discrimination has created the current conditions our agency contends with on a daily basis. We want to see the Equity Assessment Program achieve its intended outcomes and, based on our experience and the feedback of our partners and constituents, believe that agencies will need sufficient support to fully and effectively execute the requirements of this bill.

We believe in the merits of this bill to address structural and institutional racism and discrimination. We also appreciate that City Council Bill 18-0223 will mandate that an equity assessment is implemented as it relates to the allocation of taxpayer-supported resources.

cc: Kyron Banks

*Favorable with Amendment*







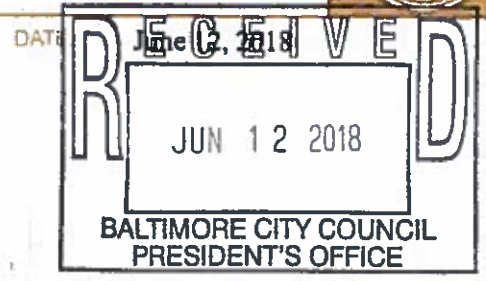
<b>FROM</b>	NAME & TITLE	Deborah E. Moore-Carter, Labor Commissioner <i>DFMC</i>
	AGENCY NAME & ADDRESS	Office of the Labor Commissioner 417 East Fayette Street, Suite 1405
	SUBJECT	City Council Bill 18-0223 Equity Assessment Program

CITY OF  
BALTIMORE  
**MEMO**



**TO**

The Honorable President  
Bernard "Jack" Young and  
Members of the Baltimore City Council  
City Hall  
100 N. Holiday Street, Room 406  
Baltimore, Maryland 21202



*Recommended Position*

The Office of the Labor Commissioner (OLC) has reviewed City Council Bill 18-0223 which proposes the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes.

*Comments and Analysis*

The Office of the Labor Commissioner offers the following comments in reference to the bill:

To the extent that any changes to policies and practices have an impact on terms and conditions of employment, said policies and practices would have to be collectively bargained with the labor unions.

According to the MERO §1-1 (l) "terms and conditions of employment" means salaries, wages, hours and other matters relating to employee benefits and duties , such as, but not limited to, holidays, pensions, and vacations.

An example of this would be promotions. In the Fire collective bargaining agreements, promotions are based upon an eligibility list and the next person on the list is promoted. While in the non-public safety unions collective bargaining agreements, promotions take in consideration seniority. Therefore, if an Agency changes the manner in which promotions are handled that conflicts with the collective bargaining agreement(s), the OLC would need to negotiate those terms with the respective Union(s).

**The Office of the Labor Commissioner is Favorable with Comments on City Council Bill 18-0223.**

DFMC:yb

*Favorable with comments*

Please Visit Our Website @ [www.baltimorecity.gov](http://www.baltimorecity.gov)



CITY OF BALTIMORE

CATHERINE E PUGH, Mayor



DEPARTMENT OF RECREATION AND PARKS

REGINALD MOORE, Director  
DR. RALPH W. E. JONES, JR. BUILDING  
3001 East Drive - Druid Hill Park  
Baltimore, Maryland 21217  
410-396-7900

May 21, 2018

The Honorable President and  
Members of the City Council  
City Hall, RM 400  
100 North Holiday Street.  
Baltimore, MD 21201

**RE: CITY COUNCIL BILL #18-0223  
EQUITY ASSESSMENT PROGRAM IMPLEMENTATION**

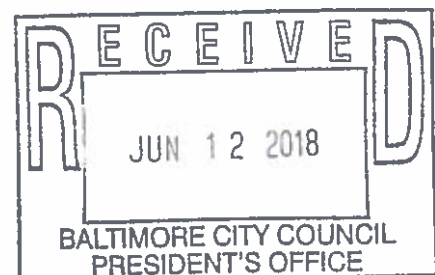
Baltimore City Recreation and Parks supports Council Bill #18-0223, which implements an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning. The program would help catalyze the institution of rules and regulations that will contribute to eliminating structural and institutional discrimination.

BCRP is an organization that prioritizes diversity, equity and inclusion. We are already concentrating our efforts on underserved areas of the city through new Capital development, increasing available programming, including outdoor recreation opportunities, and implementing various workforce development opportunities to employ more City residents. This summer we have secured funding to offer implicit bias training to our employees in the Southwest quadrant of the City. As it is our goal to create an environment that respects and values individual differences, the Department of Recreation and Parks strongly supports the passage of City Council Bill 18-0223.

Sincerely,

Reginald Moore  
Director


*Favorable*





TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young  
FROM: Peter Little, Executive Director  
DATE: June 6, 2018  
RE: Council Bill 18-0223



I am herein reporting on City Council Bill 18-0223, introduced by Councilmembers Scott, Sneed, President Young, Dorsey, Bullock, Burnett, Pinkett, Shleifer, Cohen, Middleton, Reisinger, Stokes, Clarke, and Costello.

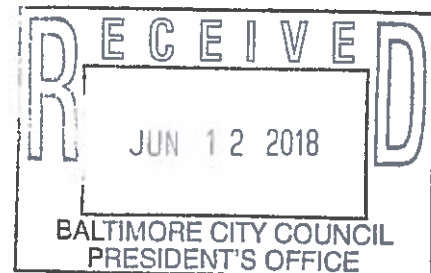
The purpose of this bill is providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income, and to proactively develop policies, practices and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Parking Authority of Baltimore City supports the goal of this bill and believes that training of agency staff to assess and redress disparate outcomes is essential to the success of the Equity Assessment Program. We believe that certain programs and initiatives administered by the Parking Authority would benefit from an equity assessment and the development of an equity action plan. Those programs include the Residential Reserved Disabled Parking program, the Residential Permit Parking program, and initiatives with car sharing.

The Parking Authority has reviewed the bill amendments proposed in the Planning Commission's and Law Department's reports and we think those amendments are appropriate and necessary.

The Parking Authority of Baltimore City supports the passage of City Council Bill 18-0223 with amendments.

*Favorable with Amendments*






*KLAC*

<b>FROM</b>	NAME & TITLE	Robert Cenname, Chief
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941
	SUBJECT	City Council Bill #18-0223 Equity Assessment Program

CITY of  
BALTIMORE



**RECEIVED**

DATE: JUN 12 2018  
June 12, 2018  
BALTIMORE CITY COUNCIL  
PRESIDENT'S OFFICE

**TO**

The Honorable President and  
Members of the City Council  
Room 400, City Hall

*oppose with comments*

City Council Bill #18-0223 has been introduced for the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

**Cost Analysis**

The Department of Finance has reviewed City Council Bill 18-0223 and the Department of Planning's response, recommended amendments, and staff report.

- **As proposed, this initiative could not be developed and implemented in a meaningful way that goes beyond an exercise in compliance without additional resources and a central coordinating body.**

We looked at similar programs in other municipalities to estimate the cost of implementing the proposed program in Baltimore. Seattle's Race and Social Justice Initiative began in 2004 and is currently coordinated by a team of eight employees within Seattle's Office for Civil Rights. In Fiscal 2018, Seattle budgeted \$150,000 specifically to further develop its Racial Equity Toolkit and to support community organizations participating in Seattle's Racial Equity Toolkit process. King County, Washington has an Office of Equity and Social Justice with seven full-time employees and a budget of \$2.4 million. Portland has an Office of Equity and Human Rights, charged with implementing institutional change in city government with regards to race and disability. It has a budget of \$1.9 million, of which \$0.8 million funds a citywide equity program, and \$0.6 million funds a community equity and engagement program. In addition to dedicated funding, each of these programs also has volunteer teams of employees and community members that convene to offer technical assistance, training, feedback, and facilitated discussion concerning equity analysis and programs.

This bill would require that every City Agency (defined to include every City Department, Authority, Office, Board Commission, Council Committee, or Other Unit of the City Government) identify an Equity Officer; include an equity assessment within every Council Bill report; develop

policies, practices, and strategic investments to reverse disparities; act to eliminate structural and institutional racism and discrimination; conduct equity assessments of all current proposed actions and policies; and develop and implement equity action plans.

These are admirable and ambitious expectations that would require citywide training, implementation, coordination, and not least, a cultural shift across City government whereby the equity lens becomes a primary tool by which all City policies are developed. Specific indicators and data concerning equity would need to be identified in order to assess current policy alignment and effectiveness. A standardized equity tool would need to be developed that would allow a very broad range of agencies to evaluate current programs and develop consistent reports and action plans. A review process would need to be developed and implemented. Evaluation and accountability plans would need to be developed. A community engagement process may be identified.

This is important work but based on similar initiatives in other municipalities, the proposed program could require a recurring fiscal commitment of \$1 - \$2.5 million. One-time start-up or pilot costs could require an additional commitment. A lower cost alternative could be appointing a citywide equity coordinator that would systemically train agencies to use an equity lens to develop policies and programs, develop tools to assess equity, and identify/collect data to both assess equity and measure progress. San Antonio for example has an Office of Equity staffed by a Chief Equity Officer with a recurring cost of \$80,750. Existing resources could be reprioritized to implement a program guided by this equity coordinator at the agency level.

The City could also consider joining the Government Alliance on Race and Equity (GARE), a national membership organization for jurisdictions committed to advancing equity, which has existing resources and tools to assess equity. The organization offers three membership types; one membership type offers peer municipality connections, provides access to trainings and facilitation by the organization, equity tools, technical assistance, and support for the development of equity policies. The cost for this membership type for Baltimore would be \$15,000.

#### **Department of Finance Context: Equity Assessment**

The Department of Finance supports the goal of eliminating structural and institutional racism and other forms of discrimination in Baltimore City.

- In November 2017, the City of Baltimore and the City of Seattle engaged in a partnership project, whereby Baltimore shared its experience implementing outcome-based budgeting, and Seattle shared its experience implementing the Seattle Race and Social Justice Initiative (RSJI), which is a citywide effort to end institutionalized racism and race-based disparities in Seattle City Government. RSJI developed the City's Racial Equity Toolkit, used to review budget requests through a racial equity lens. Seattle's Toolkit lays out a process and set of questions to guide the development, implementation, and evaluation of policies, initiatives, programs, and budget issues to address the impacts on racial equity. Each department in the City of Seattle is required to use the Toolkit to analyze projects each year to guide policy, program, and budget decisions.
- Following the Seattle exchange, the Budget Office team held a staff retreat to examine the ongoing impact of racial inequities in Baltimore. The team analyzed and discussed six recent or



## **BBMR Staff Retreat: Racial Equity Analysis**

(Developed using Seattle's Racial Equity Toolkit framework)

### **Outcomes:**

- 1) What are the most pressing racial equity issues in Baltimore?
- 2) What are the specific desired outcomes to achieve advances in racial equity concerning those issues in Baltimore?
- 3) What indicators could be identified to measure and track progress towards closing racial equity gaps in Baltimore in the areas identified?
- 4) Which of these opportunity areas identified will specific proposals, policies, or initiatives primarily impact? What are the root causes or factors creating racial inequities in this area in Baltimore?

### **Stakeholders & Data:**

- 5) What knowledge or data is available concerning the potential impact of specific proposals, policies, or initiatives on historically marginalized communities or neighborhoods in Baltimore? What further information would be needed to analyze this?
- 6) Are there impacts on specific geographic areas of the city? If so, what is known about the racial demographics of those living in the areas most impacted by a specific proposal, policy, or initiative? What policies, past and present, affect those geographic areas?
- 7) Who are the most important community stakeholders concerning a specific proposal, policy, or initiative? How could they be engaged in informing this issue in a meaningful and empowering way? How could community partners and stakeholders be engaged and empowered to achieve long-term, positive change?

### **Benefit and/or Burden:**

- 8) How does a specific proposal, policy, or initiative potentially increase or decrease racial equity in Baltimore? What are potential unintended consequences? What benefits may result?

### **Advance Opportunity or Minimize Harm:**

- 9) If a specific proposal, policy, or initiative has any anticipated negative effects on racial equity in Baltimore, what mitigating factors could be considered? How could unintended consequences impacting racial equity be addressed? What strategies could address those immediate impacts? If impacts are not aligned with desired community outcomes in Baltimore, how could this proposal, policy, or initiative be reworked or realigned?

### **Evaluate, Raise Racial Awareness, Accountability:**

- 10) How can a specific proposal, policy, or initiative be evaluated and be held accountable as it concerns addressing racial inequities? How could awareness be raised around this issue and potential impacts on racial equity? How could stakeholders be engaged and empowered in an ongoing way to ensure accountability?

current policies in Baltimore through a racial equity lens. Borrowing from Seattle's Toolkit, the team specifically looked at the following: desired outcomes of specific policies/initiatives; stakeholders and data; the benefits and burdens of specific policies/initiatives; opportunities to advance opportunity and minimize harm; and evaluation, awareness, and accountability. Specific questions were posed and, guided by Seattle's Racial Equity Toolkit framework. Those questions are included as an attachment to this memo.

- The Budget Office's Good Government Book Club facilitates inter-agency discussion on books to raise awareness around specific topics and guide good governance. The group recently read and discussed the book *The Color of Law*, which explores how government policies have given rise to and reinforced neighborhood segregation.

In recent years, the Budget Office has led a budget process that includes scoring operating budget proposals against criteria including alignment with desired outcomes, achievement of performance targets, and the quality of action plans, and coordination with partners. Going forward, BMR will consider adding equity as a criteria in its budget process. Adding equity as a criteria would give insight into where operating dollars are committed in relation to the populations and geographic areas reached by City programs, with the aim of understanding the needs of communities and how resources can be distributed based on those needs.

#### **Department of Finance Recommendation**

The Department of Finance supports the goals of the proposed Equity Assessment Program. Given the City's funding limitations however, the Department cannot support the bill as currently proposed. Instead, we suggest exploring various equity program models and associated costs and reprioritize current resources to do this work.

Attachment

cc: Henry Raymond  
Kyron Banks

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



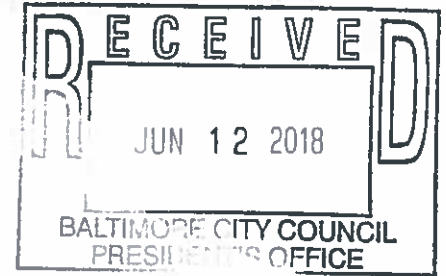
BOARD OF ETHICS  
OF BALTIMORE CITY

LINDA B. "LU" PIERSON, Chair  
AVERY AISENSTARK, Director  
626 City Hall  
Baltimore, Maryland 21202

June 12, 2018

The Honorable President and Members  
of the Baltimore City Council  
Fourth Floor, City Hall  
Baltimore, Maryland 21202  
c/o Natawna Austin, Executive Secretary

*Favorable*



**Re: Council Bill 18-0223 ("Equity Assessment Program")**

You have referred Council Bill 18-0223 to the Ethics Board for its report and comments. As indicated in the Title to Council Bill 18-0223, the bill's purpose is to:

provid[e] for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requir[e] City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; ... [with] the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Ethics Board has reviewed the bill and supports its goals of improving equity throughout City government and ensuring that government decisions and processes are reviewed with an eye toward eliminating disparate outcomes.

The Board notes, however, that it is a small agency with limited staffing and no formal budget and would therefore lack both the expertise and resources to undertake a meaningful equity assessment of its existing and proposed practices and policies as required by this bill without external support. As written, the bill seems to envision that the Department of Planning would provide central coordination of the Citywide assessment effort and offer relevant expertise and assistance to other agencies in conducting the required assessments and developing appropriate responses. So long as this support was provided by the Department of Planning, or another central coordinating entity, the Board believes it could comply with the bills proposed requirements.

The Ethics Board supports approval of this bill to create a centrally managed citywide Equity Assessment Program.

Very truly yours,

Thaddeus Watulak  
Deputy Ethics Director

Tel: (410) 396-4730 Fax: (410) 396-8483



<b>F R O M</b>	<b>Name &amp; Title</b>	Dr. Leana Wen, Commissioner <i>Leana Wen</i>	Health Department
	<b>Agency Name &amp; Address</b>	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201	AGENCY REPORT RECEIVED BALTIMORE MARYLAND
	<b>Subject</b>	18-0223 – Equity Assessment Program	JUN 12 2018 BALTIMORE CITY COUNCIL PRESIDENT'S OFFICE

**To: President and Members  
of the City Council  
c/o 409 City Hall**

*favorable*

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review Council Bill #18-0223 – Equity Assessment Program. The purpose of this legislation is to develop an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

BCHD wholeheartedly supports the goal of this legislation. Our newly released white paper emphasizes that, “the mission of BCHD is to protect health, *eliminate disparities*, and ensure the well-being of every resident of Baltimore through education, advocacy, and direct service delivery.”<sup>1</sup> Under *Healthy Baltimore 2020*, BCHD’s strategic blueprint for health in the City, we again note that, “every aspect of the work we do at BCHD is rooted in combating health inequity and ensuring that all residents of our city have the right to a healthy, robust life. We commit to applying this lens to our own actions as public health workers and will not shy away from difficult conversations that may arise.”<sup>2</sup>

Several of our programs align closely with the stated purpose of Council Bill #18-0223. Our teen pregnancy prevention initiative seeks to inform, counsel, and provide resources to young women whose lives are disproportionately affected, both economically and socially, by unintended pregnancies.<sup>3</sup> B’more for Healthy Babies assists new mothers, infants, and young children throughout the City with a number of interventions, including the distribution of cribs, intended to ensure their well-being.<sup>4</sup> BCHD also provides trauma-informed care training for its partners and the City’s employees because of the disproportionate amount of trauma-afflicted residents in the City – most of whom are minorities.<sup>5</sup>

<sup>1</sup> Baltimore City Health Department, *White Paper: State of Health in Baltimore* (2018) <https://health.baltimorecity.gov/sites/default/files/BCHD%20White%20Paper%20May%20202018.pdf>

<sup>2</sup> *Ibid*, 5.

<sup>3</sup> Baltimore City Health Department, Teen Pregnancy Prevention, <https://health.baltimorecity.gov/node/170>

<sup>4</sup> B’more for Healthy Babies, <http://www.healthybabiesbaltimore.com/>

<sup>5</sup> Baltimore City Health Department, Trauma-Informed Care, <https://health.baltimorecity.gov/trauma-informed-care>


Additionally, Baltimarket provides healthy food options to the City's poorer senior community at nearby locations.<sup>6</sup>

While BCHD supports many of the provisions included in the bill, there are a handful of issues that may need to be addressed. This includes whether the requirement of an "equity coordinator" is an unfunded mandate for a new position, or can agencies have current staff assume this role. There is also some ambiguity regarding what constitutes an equity assessment. With an agency as varied in its programming and as stressed in its resources as BCHD, it may be very difficult for program staff to accommodate such an assessment. This equity assessment apprehension extends, also, to the construction of bill reports and capital budget scoring for agency projects.

Although there is some cause for concern from an agency perspective, the benefits conferred upon the residents of Baltimore City must be given greater weight. For this reason, BCHD urges a favorable report.

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<sup>6</sup> Baltimore City Health Department, Baltimarket, <https://health.baltimorecity.gov/programs/baltimarket>

FROM	Name & Title	Mary H. Talley <i>Mary H. Talley</i> Director & Chief Human Capital Officer	CITY OF BALTIMORE  <b>MEMO</b> RECEIVED	
	Agency Name & Address	Department of Human Resources 201 E. Baltimore Street, Suite 300		
	Subject	CITY COUNCIL BILL #18-0223 / EQUITY ASSESSMENT PROGRAM		

**TO** The Honorable Bernard "Jack" Young and  
 Members of the Baltimore City Council  
 City Hall  
 100 N. Holliday Street, Room 409  
 Baltimore, Maryland 21202

**DATE** JUN 12 2018  
 June 11, 2018  
 BALTIMORE CITY COUNCIL  
 PRESIDENT'S OFFICE

*favorable with comments*

The Department of Human Resources ("DHR") reviewed and considered the above captioned City Council Bill. DHR understands and recognizes the role that historic policy and planning decisions has played in creating and exacerbating inequity and inequality in Baltimore City. Moreover, DHR appreciates the Council's attempt to address systemic inequalities through its legislative powers. Still, this legislation is overly broad and needs further examination and discussion of the scope, oversight, and enforcement authority of any designated Office or Agency in addressing any and all city policies, programs, or practices that have or will have a negative disparate outcome relative to individuals, based upon their race, gender, or income. While there is historical precedent for Equity programs within federal, state and local government agencies, it is not clear which proven best practices informed the proposed codification of the Equity Assessment Program ("EAP"). With substantial amendments to various provisions of the legislation and the development of an inter-agency working group to address key areas of concern, DHR supports the Bill.

This bill anticipates the creation of an Equity Assessment Program ("EAP"), designed to empower and require the City's Director of Planning to: (1) identify and rectify current and proposed City policy and practices that have yielded and may yield disparate outcomes, based upon race, gender or income and (2) take pro-active steps via city policy and practice to prevent future disparate outcomes from resulting to individuals based upon race, gender or income.

Oversight and enforcement authority should be assigned either to one of three existing agencies - DHR, Legislative Reference, or the Office of Civil Rights and Wage Enforcement --- or to a newly created Mayor's Office of Equity, Assessment, and Inclusion. Currently, within DHR, there is a Policy and Compliance division, which focuses primarily on drafting, implementing, and auditing City-wide HR policies and practices to ensure compliance with federal, state, and local government laws and regulations, including anti-discrimination laws such as Title VII of the Civil Rights Act of 1964 (Title VII), the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA).

Any designated Agency to be contemplated and designated by this legislation will require an appropriate level of staff, resources, and expertise to carry out its functions, because essential to its effectiveness are its abilities to research best practices; build and launch a valid and reliable model for assessment; make recommendations across agencies; monitor and maintain reporting and corrective actions; and drive outcomes.

If you have any questions, please contact me at (410) 396-1565.





FROM	Name & Title	Steve Sharkey, Director <i>SS</i>
	Name & Address	Department of General Services 800 Abel Wolman Municipal Building
	Subject	<b>SUPPORT WITH AMENDMENT – City Council Bill 18-0223 – Equity Assessment Program</b>

CITY OF  
BALTIMORE  
**MEMO**



**TO:** The Honorable Council President and Members of the Judiciary and Legislative Investigations Committee  
100 N. Holliday Street, City Hall, Room 409  
Baltimore, Maryland 21202

**DATE:** June 11, 2018

*Favorable with amendments*

**Re:** SUPPORT WITH AMENDMENT for City Council Bill 18-0223 – Equity Assessment Program

Dear Council President Young, Chairman Eric Costello and Members of the Judiciary and Legislative Investigations Committee:

The Department of General Services supports with amendments City Council Bill 18-0223 – Equity Assessment Program as introduced by Councilmember Brandon Scott per the Department of Planning's recommendations. CCB 18-0223 purposes the development and implementation of an Equity Assessment Program, requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress disparate outcomes.

The department supports performing a systemic process of identifying policies and practices that may be implemented to identify and redress disparate outcomes on the basis of race, gender, or income. The equity assessments can be used to minimize unanticipated adverse consequences in a variety of contexts, including the analysis of proposed policies, institutional practices, programs, plans and budgetary decisions. These assessments can be a vital tool for preventing institutional racism and for identifying new options to remedy long-standing inequities. Equity assessments can also be used to reduce, eliminate and prevent racial discrimination and inequities. When equity is not consciously addressed, inequality is often unconsciously replicated.

However, DGS echoes the concerns of the Planning Department. The bill, as currently written, sets an aggressive timetable and puts a heavy burden on the Planning Department and Planning Commission. The timetable would not allow the department to conduct training and develop an action plan which is necessary to create meaningful assessments. Additionally, the department would require guidance on equity assessments. Finally, developing and implementing equity assessments should be a rigorous process, which would require significant resources and staffing to develop and administer properly, which is not currently reflected in the bill as drafted.

DGS is committed to proactively develop policies, practices, and strategic investments to reverse disparity trends based on race, gender and income, acting to eliminate structural and institutional racism and discrimination, developing and implementing an equity action plan embedding principles and strategies into City operations, programs and services, and conducting an equity assessment of existing and proposed City actions and policies.

The Department of General Services supports with amendments City Council Bill 18-0223 after thorough consideration. Performing equity assessments will be a vital tool for preventing institutional bias and for identifying new options to remedy long-standing inequities.





Catherine Pugh  
Mayor

# BALTIMORE POLICE DEPARTMENT

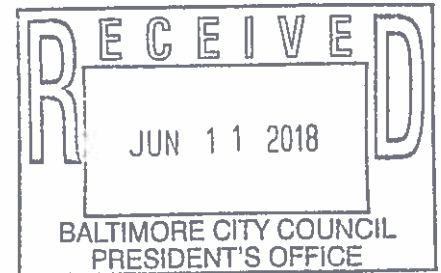


Gary Tuggle  
Interim Police  
Commissioner

June 11, 2018

Honorable President and Members of the Baltimore City Council  
Room 400, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

*Favorable*



Attention: *Natawna Austin, Executive Secretary*

Re: **City Council Bill No. 18-0223**  
**Equity Assessment Program**

Dear Council President Young and Members of the City Council:

The Baltimore Police Department (BPD) has reviewed Council Bill 18-0223. This legislation is for the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

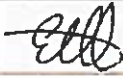

The BPD agrees with the concept of the bill. As you know, the Baltimore Police Department is currently under a Consent Decree that requires it to reform just about every aspect of the Department. The overarching goal of the reform effort is to ensure that all interactions, with the public and members, are constitutional and equitable. The BPD is required to regularly report its progress to the Department of Justice and the Monitoring Team and would be happy to provide similar updates to the appropriate department in charge.

Thank you for the opportunity to comment. The BPD looks forward to working with the City Council on this matter.

Sincerely,

Danielle Butcher  
Office of the Police Commissioner



<b>FROM</b>	NAME & TITLE	Eric Holcomb, Executive Director CHAP 	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Commission for Historical and Architectural Preservation 417 East Fayette Street, 8 <sup>th</sup> Floor		
	SUBJECT	COUNCIL BILL 18-0223 Equity Assessment Program		

**TO** The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

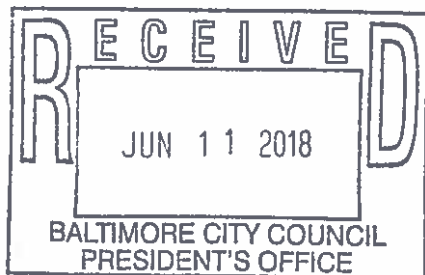
DATE: May 21, 2018

The Commission for Historical and Architectural Preservation staff is in receipt of City Council Bill #18-0223:

For the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Planning Department; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender or income and to proactively develop policies, practices and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.


This item has been scheduled for a committee hearing before the Commission for Historical and Architectural Preservation will be able to review it and provide a recommendation to the committee. The staff to CHAP has been heavily involved in the work of the Equity Committee within the Department of Planning and we have given great consideration as to how an Equity Assessment Program would be implemented at CHAP. This legislation has the potential to (positively) impact how CHAP and the staff to the Commission undertake public outreach and notice, how we create and implement design guidelines, and future historic designations. CHAP staff advises a recommendation Approval with the following Amendments as approved by the Planning Commission.

If you have any questions, please contact Mr. Eric Holcomb, Executive Director, at 410-396-4866.



*Favorable with Amendments per planning ~~Comm~~.*



<b>FROM</b>	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>MMF</i>	CITY OF BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #18-0223 Response to Equity Assessment Program		

**TO** The Honorable Bernard C. Young, President  
And All Members of the Baltimore City Council  
City Hall, Room 408

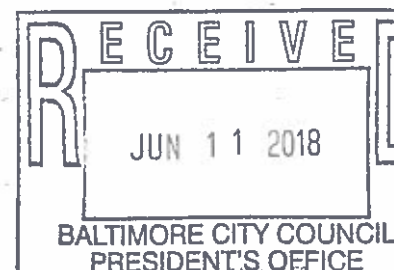
DATE: June 11, 2018

**FOR** the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Baltimore City Fire Department ("BCFD" or the "Fire Department") generally is in support of this bill with the highly laudable goal of eliminating structural and institutional racism and discrimination of all kinds.


The Department would, however, recommend that the bill be amended to provide that rules or regulations shall be implemented that include guidance on the methodology and requirements of the "equity assessment" that is mandated under Sections 39-8 and 39-9 bill. The Department also recommends that language be included to provide for training by experts in the field for all of the Equity Coordinators, as coordinated by an appropriate City agency. BCFD also recommends that the effective date of the bill be amended to allow sufficient time for the Equity Coordinators to receive appropriate and necessary training in conducting equity assessments, as well as provide for a reasonable period of time for the agencies to conduct their base level equity assessments of their existing practices and policies. The Department also recommends that a definition of "equity" be included in the definitional section.

*Favorable with Amendments*







I R O M	NAME & TITLE	Frank Johnson, CIO	CITY of  BALTIMORE  M E M O	
	AGENCY NAME & ADDRESS	Baltimore City Office of Information and Technology (BCIT) 401 E Fayette Street, 3 <sup>rd</sup> floor		
	SUBJECT	City Council Bill 18-0223		

TO The Honorable President and  
Members of the City Council  
c/o Natawna Austin  
Room 400 City Hall

June 4, 2018

I am herein reporting on City Council Resolution 18-0223 for the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Baltimore City Office of Information and Technology (BCIT) is in support of the bill but has some reservations about the department's ability to implement aspects of it based on current resources. BCIT has no one on staff with expertise in this area and would need significant training and guidance to designate an individual as an Equity Coordinator. Additional resources will also likely be needed as whoever is designated as the Equity Coordinator will need to shift duties to other staff to perform the work required in the legislation. BCIT also would welcome additional information and guidance on a framework for monthly agency reports.

The mission of BCIT is to provide sustainable infrastructure and technology to support and enhance City departments, communities, businesses, and mayoral goals. BCIT will support departments in their implementation of information technology aspects of their Equity Assessment Programs.

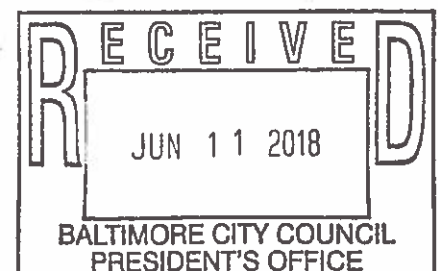
Respectfully,



Frank A. Johnson  
Chief Information Officer


*favorable*

FJ/lw



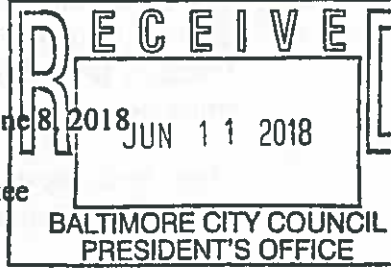
Cc: Kyron Banks, Mayor's Office



F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill Report 18-0223	M E M O	

TO: Mayor Catherine E. Pugh

DATE: June 8, 2018 JUN 11 2018



TO: Respective City Council Judiciary and Legislative Investigations Committee  
 FROM: Department of Transportation  
 POSITION: Support  
 RE: Council Bill 18-0223 – Equity Assessment Program

**INTRODUCTION** - For the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

**PURPOSE/PLANS** – The purpose of this bill is to analyze processes and practices that currently exist throughout the city that aid in exacerbating social inequities throughout Baltimore City. This legislation aims to eliminate such processes and practices, and create new, all-inclusive policies in their place. The new policies will be created and instituted in an effort to eliminate institutionalize racism, and discrimination, city wide.

**AGENCY/DEPARTMENT POSITION** – The Department of Transportation, working with the Department of Planning and other agencies, is embarking on the city’s first Comprehensive Transportation Plan which will engage a complete analysis of the city’s public space and right-of-way, identify needs of decaying infrastructure and technology, analyze current and future demands on a limited right-of-way, address safety issues, and identify opportunities for public space investments that will catalyze neighborhood improvements. The Comprehensive Transportation Plan will take a comprehensive look at financial constraints and help prioritize investment of limited resources, as well as identify a path toward growing the resource pool. It will also establish processes for performance measurement. This plan will establish a vision for transportation in the city and make recommendations for ensuring a comprehensive multimodal network that meets the needs of today and long-term.

This level of analysis will provide a global view of resource allocation and will provide information regarding investment need. Once this data is available, it can be analyzed based on equity factors and provide for more informed decision-making through and with the Department of Planning.

The Department of Transportation has also begun analyzing individual programs regarding funding allocation and needs to find ways to work more closely with partner agencies and outside entities to grow the resource pool to provide for fully funded improvement programs in economically disadvantaged neighborhoods.

*Favorable with comments*

Council Bill 18-0223 – Equity Assessment Program  
June 8, 2018  
Page 2


The Department of Transportation **supports** City Council Bill 18-0223, and respectfully requests a favorable report. We look forward to engage in a process to develop implementation policies that have flexibility that may rectify any conflict with our future selection and prioritization processes.

If you have any questions, please do not hesitate to contact Eboni Wimbush. She may be reached at [Eboni.Wimbush@baltimorecity.gov](mailto:Eboni.Wimbush@baltimorecity.gov) or 410-396-6802.

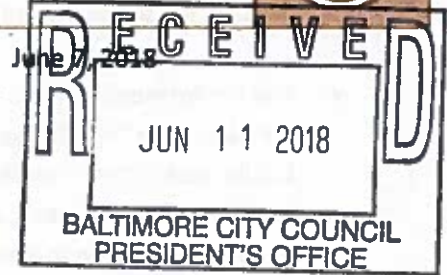
Sincerely,

A handwritten signature in blue ink that reads "Michelle Pourciau". The signature is fluid and cursive, with the first name being more prominent.

Michelle Pourciau  
Director

<b>FROM</b>	<b>NAME &amp; TITLE</b>	Rudolph S. Chow, P.E., Director	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Public Works 600 Abel Wolman Municipal Building		
	<b>SUBJECT</b>	City Council Bill 18-0223		

DATE



**TO**

The Honorable President and Members  
 of the Baltimore City Council  
 c/o Natawna Austin  
 Room 400 – City Hall

I am herein reporting on City Council Bill 18-0223 introduced by Council Members Scott, Sneed, Henry, President Young, Council Members Dorsey, Bullock, Burnett, Pinkett, Schleifer, Cohen, Middleton, Reisinger, Stokes, Clarke, and Costello.

The purpose of the Bill is, among other things, to provide for the implementation of an Equity Assessment Program for Baltimore City that would be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income, and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes.

City Council Bill 18-0223 commits the Department of Planning and its Director (with approval from the Planning Commission) to developing, adopting and overseeing an Equity Assessment Program that will identify structural and institutional discrimination that may be present in existing policies, procedures and investment strategies; and to create an equity action plan that agencies will use to reverse the effects of disparity trends by applying equity principals and strategies to the agencies' operations, programs, services, and policies. The Director of Planning would be required to conduct an equity assessment and apply an equity scoring system to any proposed capital projects. The Planning Director would also be required to produce an annual equity report on or before June 30 of each year. City agencies would have to adhere to the Program, identify an equity coordinator to manage their participation, and implement their respective action plans. Agency bill reports would have to include an evaluation of the equity assessment impacts of proposed legislation on their operations.

On June 30, 2018 the Planning Commission received a briefing and held a public session on CCB 18-0223 as part of their meeting agenda. Planning staff prepared a report that recommended amending and approving the legislation. The Planning Commission took public testimony, all of which was supportive of the legislation and the amendments. The Planning Commission then voted to approve the staff report with an additional amendment that the Equity Assessment Program would have a net zero gain on budgets.

*favorable with Amendments per planning*

The Honorable President and Members  
of the Baltimore City Council

June 7, 2018

Page 2

The Department of Public Works finds the Planning Commission's amendments to be reasonable and thoughtful changes to the proposed legislation and offers the following comments:

- The Department believes that this ordinance could be improved by clarifying its legislative intent with the addition of an "Equity" definition and recitals that encapsulate the purpose and desired outcomes from an Equity Assessment Program to be established throughout city agencies.
- Public Works agrees that every agency must do its own equity assessment and action plan, but each agency plan would benefit from meeting a set of defined baseline requirements and objectives to assure quality outcomes. Developing the common requirements and objectives would benefit greatly from the guidance of organizations or persons with experience in developing equity assessments.
- Implementing individual equity assessment programs will take time to develop. In an admittedly limited research performed on this topic, it is clear that one of the first steps in any equity assessment is training internal staff to understand the breadth of equity issues within communities and how to objectively analyze existing and future policies, procedures, and investments for desired outcomes to combat historic or current disparities. By way of example, The Annie E. Casey Foundation has a "Race Matters" program that helps organizations conduct a racial equity impact analysis through a series of guiding questions, testing whether existing and proposed policies, procedures and practices are effectively addressing and closing disparity gaps. While City Council Bill 18-0223 requires a more granular examination of equity based not just on racial disparities, but gender and income disparities as well, programs such as those developed by The Annie E. Casey Foundation would lend themselves to a broader range of disparity issues analysis.

In 2014 the Department developed a draft Integrated Planning Framework (IPF) in response to a U.S. EPA initiative designed to help communities prioritize certain water infrastructure programs. The Department's draft IPF utilized a total of 21 criteria that fell under one of four categories: environmental, social, financial and project delivery. This weighted scoring process was intended to help balance capital investments equitably between mandated (consent decree, federal Clean Water and Safe Drinking Water Acts' requirements) and non-mandated projects so that the most environmentally productive projects were constructed first, while ensuring available funding for stabilizing aging water and wastewater infrastructure. This process has been revisited several times to review the scoring criteria and a modified process is now being used to inform and prioritize the Department's capital project selection process. Public Works capital projects are substantial, with investments that comprise 77% of the City's entire capital program (FY2019 CIP). This process model is one example of how expanded equity assessment criteria could be incorporated into internal Departmental decision processes.

The Honorable President and Members  
of the Baltimore City Council

June 7, 2018

Page 3

The Department's Bureau of Solid Waste is a full partner in the Mayor's Violence Reduction Initiative (VRI). The VRI model brings together key City agencies to focus on an identified problem in a defined area, in this case it is crime, and strategizes on how best to reduce crime by addressing contributing factors. The Solid Waste team is giving priority to the VRI areas by expediting sanitation issues such as cleaning and boarding of vacant and nuisance structures and street and alley cleaning, to support the work of the Police Department and other involved agencies. Collaborative, strategic efforts as exemplified by the VRI can leverage individual agency efforts and make visible and meaningful changes in struggling communities. This process model could provide a way to address severe disparity issues that may be beyond one agency's ability to ameliorate.

The Department of Public Works supports the intent of the legislation, and supports passage of City Council Bill 18-0223 as proposed to be amended by the Planning Commission. It is hoped that the City Council will be willing to consider a more reasonable timeframe within the legislation for agencies to develop meaningful and effective Equity Assessment Plans.



Rodolph S. Chow, P.E.  
Director

RSC/MMC





CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF CIVIL RIGHTS AND  
WAGE ENFORCEMENT  
BALTIMORE CITY WAGE COMMISSION

JILL P. CARTER, Director  
7 E. Redwood Street, 9th Floor  
Baltimore, Maryland 21202

June 13, 2018

The Honorable President and Members  
of the Baltimore City Council  
Room 400, City Hall  
100 N. Holiday Street  
Baltimore, MD 21201

Re: City Council Bill 18-0223- Equity Assessment Program

Dear Mr. President and Council Members,

On behalf of the Baltimore City Office of Civil Rights and Wage Enforcement (OCRWE), and Acting Director Thomas, we appreciate the opportunity to weigh in on the above reference bill. As an agency whose mission is rooted in equity, in law enforcement, employment, disability access, and wage compliance, we are in strong support of this bill.

The Wage Commission enforces Prevailing and Living Wage Laws on contracts awarded by the City of Baltimore. Enforcement includes reviewing and investigating certified payrolls for discrepancies in overtime and misclassification. In addition to the review of certified payrolls, the Wage Commission also investigates complaints from individuals who allege that they have been paid improper wages.

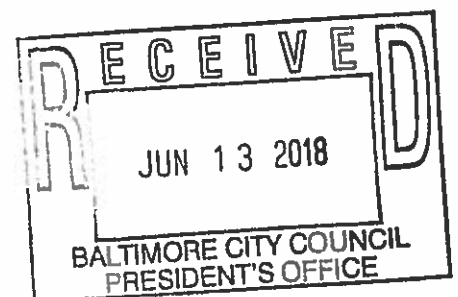
Currently, the Wage Commission is responsible for monitoring more than a billion dollars in Living and Prevailing Wage contracts. The majority of constituents we service are affected by inequitable incomes. These employees usually represent the Latinx and African American communities, returning citizens, and economically disadvantaged workers. Once the Wage Commission is equipped with a Wage Compliance Tracking System, then a proper equity assessment for the aforementioned bill is attainable. A compliance tracking system provides the platform to produce a variety of queries that yield ongoing data streams where immediate information can be gathered for purposes of cost recovery and enforcement. Once in place, the tracking system would facilitate reporting that can analyze equity based on the following: zip code, national origin, race, gender, class, labor classification, and or ex-offender status.

**Resources needed:**


In order for the Wage Commission to maximize data collection, and provide valuable real time data streaming to the Equity Assessment Program, the Wage Commission's enforcement and capability would necessitate the implementation of the Wage Compliance Tracking system.

Sincerely,

Sharita Thomas  
Acting Director





FROM	NAME & TITLE	MIRIAM AVINS & REBECCA BAKRE Co-Chairs, Commission on Sustainability	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #18-0223 – Equity Assessment Program		

DATE:

TO

June 11, 2018

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

The Commission on Sustainability is in receipt of City Council Bill #18-0223 for the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Commission has taken equity as the cornerstone of the draft 2018 Baltimore Sustainability Plan (as released for public comment on April 11, 2018). In that document, the use of an equity lens is described as “essential for a sustainable future” and as a way to broaden the meaning of sustainability to that of “a vision that is meaningful for all residents in the city.” Specifically, the draft Plan asserts:

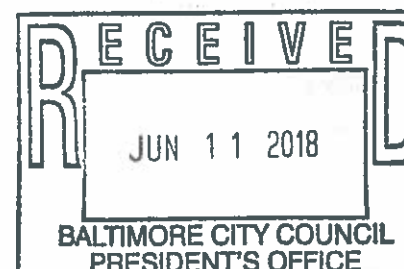
We cannot meaningfully work for sustainability without deliberately addressing enduring social, economic, and environmental disadvantages that people experience based on their race, ethnicity, and class.

The Bill, as currently written, has limited detail on the development and implementation of the Equity Assessment Program. The Commission recommends that implementation be phased, giving sufficient time to develop the elements of the Program and to comprehensively implement it. Such phasing would also allow time to provide equity and other trainings to agency personnel necessary to create and maintain a successful Program. The Commission notes that there is limited detail on how the agency equity coordinators will be selected as well as on the accountability of the Program, particularly when an issue is identified without a clear remedy or resources available to address it.

**It was the consensus of the Commission on Sustainability to fully support City Council Bill # 18-0223 and encourage consideration of the above revisions.**

On June 7, 2018, the Commission on Sustainability called a vote by email regarding this legislation: Support/In-Favor: 16 Opposed: 0 Abstain: 0

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor’s Office  
Mr. Kyron Banks, Mayor’s Office  
Mr. Thomas J. Stosur, Department of Planning



*favorable with  
Amendments*



The Baltimore City Department of  
HOUSING & COMMUNITY  
DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: June 7, 2018

Re: **City Council Bill 18-0223 - Equity Assessment Program**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0223, for the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

HCD welcomes the opportunity to further our efforts in providing safe, healthy and affordable housing for all residents. We have a variety of tools that are used to support all neighborhoods and to expand housing choices, and adding an equity lens will only strengthen our work and add to our toolbox. HCD looks forward to learning more about the equity program and enhancing any programs to further support the City's equity program goals.

The Department of Housing and Community Development agrees with the concept of the bill and supports the amendments approved by the Planning Commission at their meeting on May 31, 2018. We also recommend that agencies work collaboratively with Council to ensure any new unfunded requirements are manageable within existing resources.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*



*Favorable with  
Amendments per  
planning*



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND  
ZONING APPEALS

DAVID C. TANNER, Executive Director  
417 E. Fayette Street, Room 1432  
Baltimore, Maryland 21202

The Honorable President and  
Members of the City Council  
City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

**RE: CC Bill #18-0223 Equity Assessment Program**

Ladies and Gentlemen:

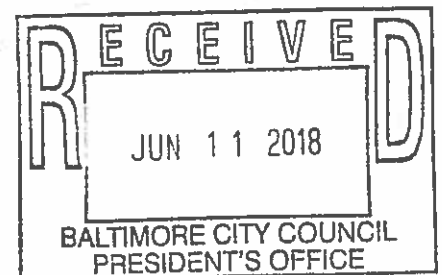
City Council Bill No. 18-0223 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 18-0223 is to provide for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

The BMZA has reviewed the legislation and fully supports the goal of attaining equity throughout city government and viewing local government operations through an equity lens. BMZA has concerns regarding the implementation of this particular bill and the structure in which the proposed equity assessment program will take. BMZA respectfully highlights the following concerns for council's consideration:

- How will equity assessments be managed and by whom?
- What types of data will be collected, how, and by whom?
- How will annual reporting effect agency operation?
- Will additional appropriations be required to manage data and reporting requirements?

*Favorable with Amendments*



- Particularly for small agencies, how will equity assessments be operationalized?
- For maximum impact and benefit to the public, will all city agencies be placed under the same equity umbrella? Or should the equity assessment program be more targeted to achieving specific equity goals?
- Should BCIT be consulted to fully integrate data mining tools to be able to better manage and assess equity baselines and progress goals?

With these considerations in mind, BMZA recommends approval of CC Bill. 18-223 with the amendments offered by HCD and the Planning Department, and would encourage partnership with city agencies in order to structure the proposed equity assessment program to have a maximum positive impact for the public by narrowly tailoring the programs requirements to each city agency.

Sincerely,



Derek J. Baumgardner  
Executive Director


CC: Mayors Office of Council Relations  
City Council President  
Legislative Reference





## MEMORANDUM

**TO:** Honorable President and Members of the City Council  
Attention: Natawna Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO 

**DATE:** May 4, 2018

**SUBJECT:** Council Bill No. 18-0223  
Equity Assessment Program

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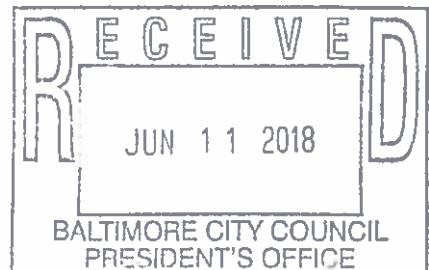
The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 18-0223, for the purpose of implementing an Equity Assessment Program for Baltimore City.

BDC is committed to the principles of equitable economic development and believes that it is essential to the long-term growth of Baltimore City. We are currently in the process of hiring a Small and Minority Business Equity Manager at BDC to specifically address issues surrounding equitable development in our work.

We strongly support the goals and aims of the Equity Assessment Program and recommend favorable consideration is given to Bill No. 18-0223.

cc: Kyron Banks

*Favorable*





CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

June 6, 2018

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 18-0223 – Equity Assessment Program

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0223 for form and legal sufficiency.

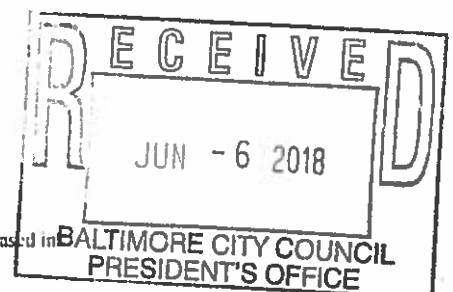
Details of the Bill

The bill would add Subtitle 39 to Article 1 of the City Code to create an Equity Assessment Program. The bill defines "Equity Assessment" as a systematic process that "identifies policies and practices that may be implemented to identify and redress disparate outcomes on the basis of race, gender or income." The Director of the City's Department of Planning, with approval of the Planning Commission, is to develop, adopt and oversee the program, including rules or regulations to carry it out. Any time that the Planning Commission adopts or amends the Equity Assistance Program or any rule or regulation about it, the Planning Commission is to give the City Council at least five days' notice. Each year, the Planning Director must conduct an equity assessment on the proposed capital budget and prepare an annual report on the entire Equity Assessment Program that must address specific topics.

Under the program, each unit of City government is to identify an equity coordinator that will manage that entity's participation in the program, conduct an equity assessment of existing and proposed practices and policies and develop and implement a plan to address any disparate outcomes. When reporting to the City Council on any bill or resolution, any unit of City government must "include in that report the results of an equity assessment of the proposal's impact on its operations."

*Fav w/Amend*

♻️ Printed on recycled paper with environmentally friendly soy based ink





Program in General is Permissible

The creation of an equity assessment program is permissible under the broad police powers given to the Mayor and City Council to secure health and general welfare. City Charter, Art. II, §§(27), (47). It is like the equity requirements proposed by House Bill 1623 and Senate Bill 929, which were introduced in the 2018 General Assembly Session but did not pass. Those bills would have required a similar equity lens analysis from five state agencies: Education, Health, Housing and Community Development, Human Service and Public Safety and Correctional Services. The Fiscal and Policy Notes for the bills detailed the large financial and manpower strain that these bills would have had on state agencies.

Perhaps aware of the fiscal strain that comes with implementing an equity program, Montgomery County recently adopted Resolution 18-0195, which pledged additional revenue to the County's upcoming budget for its Office of Legislative Oversight to develop a baseline report on current disparities in Montgomery County by June of 2019. The County apparently felt that such a baseline was needed even though it already had the Urban Institute's four-year study of Racial Inequities in Montgomery County. After the baseline study is complete in June of 2019, "the Council will introduce legislation for the County to develop an equity policy framework to inform the delivery of all County services." Montg. Co. Res. 18-1095, p. 2.

Similarly, on April 19, 2017, Takoma Park, Maryland adopted Resolution No. 2017-28 that resolved, "that the City Council of the City of Takoma Park commits itself to systematically and deliberately applying a racial equity lens in its decision-making henceforth." On its website, Takoma park references studies by the Government Alliance on Race and Equity, the Aspen Institute, and the Annie E. Casey Foundation as resources that presumably will inform its decisions going forward.

Legal Issue with Planning Department as City-wide Coordinator

Although the concept in general is a permissible exercise of the Mayor and City Council's police and general welfare power, City Council Bill 18-0223 suffers from an important legal impairment: the Planning Department, headed by the Planning Commission, has no legal authority under the City's Charter to oversee or implement this type of program for all of City government. City Charter, Art. VII, §70, *et. seq.* Rather, the Charter makes clear that Planning is to study land uses, development, subdivisions, zoning, urban renewal, and adopt a master plan and a capital budget. City Charter, Art. VII, §72. The Charter is the "instrument which establishes the agencies of local government and provides for the allocation of powers among them." *Cheeks v. Cedlair Corp.*, 287 Md. 595, 606-07 (1980) (citation omitted). In Maryland, a local government's "charter is thus a permanent document intended to provide a broad organizational framework establishing the form and structure of government in pursuance of which the political subdivision is to be governed and local laws enacted." *Cheeks*, 287 Md. at 261. Local laws must respect a charter as "the organic, the fundamental law, establishing basic



principles governing relationships between the government and the people, and among the various governmental branches and bodies.” *Id.* These powers in the Charter cannot be modified by ordinance of the City Council. City Charter, Art. III, §11.

Certainly, Planning can continue with its Equity in Planning Committee (EIPC) that promotes the use of equity policies in planning decisions. *See* Baltimore City Department of Planning, *Equity In Planning Committee* (visited June 6, 2018) <<https://planning.baltimorecity.gov/equity-planning-committee>>. The Department of Planning can also be required in this bill, as any other city entity, to evaluate equity in its own operations, or functions, including the annual capital budget over which it has control. City Charter, Art. VII, §72.

The bill must be modified to remove the Department of Planning and the Planning Commission as the oversight and implementation body for this program for the entire City government. Under the City’s Charter, the Mayor has the executive power to oversee government entities. City Charter, Art. IV, §4(b)(“The Mayor shall be the chief executive officer of the City, shall see that ordinances and resolutions are duly and faithfully executed, and shall have general supervision over all municipal officers and agencies.”). One way to accomplish this needed change is to amend the bill to make each equity coordinator responsible for the equity program in its agency and for submitting a yearly report. Amendments to accomplish this are attached.

With the suggested amendments or similar amendments that remove the Planning Department as City’s coordinator for this program, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor’s Office of Government Relations  
Kyron Banks, Mayor’s Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Avery Aisenstark





**AMENDMENTS TO COUNCIL BILL 18-0223  
(1<sup>st</sup> Reader Copy)**

Proposed by: Law Dep't  
(To be offered to the Judiciary and Legislative Investigations Committee)

**Amendment No. 1:**

On page 1, in line 4, strike “, to be developed and overseen by the Department of Planning”; and in lines 7 and 8 strike “providing for the adoption of rules and regulations to carry out this Program;”; and in line 8 strike “notices and”.

**Amendment No. 2:**

On page 1, in line 13, strike “12” and substitute “6”.

**Amendment No. 3:**

On page 2, delete lines 8-10, and in lines 11 and 15, strike “(D)”, “(E)”, respectively, and substitute “(C)”, “(D)”.

**Amendment No. 4:**

On page 2, delete lines 21 to 28.

**Amendment No. 5:**

On page 2, in line 29, strike “6” and substitute “2”; and in line 30, strike “THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION,” and substitute “EACH CITY AGENCY” and in line 31, strike “CITY AGENCIES” and substitute “IT”.

On page 3 in lines 8 and 10, strike “CITY” and substitute “ITS”.

**Amendment No. 6:**

On page 3, delete lines 12 through 17.

**Amendment No. 7:**

On page 3, in line 18, strike “8” and substitute “3”; and in the same line, strike “IN GENERAL.” and substitute “EQUITY COORDINATOR.”; and in lines 19 and 20, strike “THE PROGRAM SHALL



Page 5 of 5

REQUIRE" and "IN COOPERATION WITH THE DIRECTOR, TO:" and substitute "SHALL"; and in line 21 delete "(1)"; and in line 22 delete ";" and substitute (":"); and delete lines 23 through 27.

**Amendment No. 8:**

On page 3, in lines 28 and 32, strike "(9)", "(10)", respectively, and substitute "(4)", "(5)".

**Amendment No. 9:**

On page 3, in line 33, after "DIRECTOR", insert "OF PLANNING".

**Amendment No. 10:**

On page 4, in line 1, strike "11" and substitute "6"; in line 3, strike "THE DIRECTOR" and substitute "EACH CITY AGENCY"; and in line 9, strike "AGENCY" and substitute "ITS"; and in line 11, insert "ITS" before "EXISTING"; and in line 11 strike "CITY".



**CITY OF BALTIMORE  
COUNCIL BILL 18-0223  
(First Reader)**

Introduced by: Councilmembers Scott, Sneed, Henry, President Young, Councilmembers Dorsey, Bullock, Burnett, Pinkett, Schleifer, Cohen, Middleton, Reisinger, Stokes, Clarke, Costello  
Introduced and read first time: April 16, 2018

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation, Office of the Comptroller, Department of Finance, Department of General Services, Department of Housing and Community Development, Department of Human Resources, Department of Planning, Department of Public Works, Department of Recreation and Parks, Department of Transportation, Fire Department, Health Department, Mayor's Office of Employment Development, Mayor's Office of Human Services, Mayor's Office of Information Technology, Police Department, Board of Ethics, Baltimore Municipal and Zoning Appeals, Commission for Historical and Architectural Preservation, Commission on Sustainability, Employees' Retirement System, Environmental Control Board, Fire and Police Employees' Retirement System, Labor Commissioner, Baltimore City Parking Authority Board, Wage Commission

**A BILL ENTITLED**

1 AN ORDINANCE concerning

2 **Equity Assessment Program**

3 FOR the purpose of providing for the implementation of an Equity Assessment Program for  
4 Baltimore City, ~~to be developed and overseen by the Department of Planning;~~ requiring City  
5 agencies to assess existing and proposed policies and practices for disparate outcomes based  
6 on race, gender, or income and to proactively develop policies, practices, and investments to  
7 prevent and redress those disparate outcomes; defining certain terms; ~~providing for the~~  
8 adoption of rules and regulations to carry out this Program; requiring certain notices and  
9 reports; and generally relating to the goal of eliminating structural and institutional racism  
10 and other forms of discrimination based on immutable characteristics.

11 BY adding

12 Article 1 - Mayor, City Council, and Executive Agencies  
13 Section(s) 39-1 to 39-12 ~~6~~, to be under the new subtitle designation,  
14 "Subtitle 39. Equity Assessment Program"  
15 Baltimore City Code  
16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
18 Laws of Baltimore City read as follows:

19 **Baltimore City Code**

20 **Article 1. Mayor, City Council, and Executive Agencies**

EXPLANATION: CAPITAL S indicate matter added to existing law  
(Brackets) indicate matter deleted from existing law.



Council Bill 18-0223

1 SUBTITLE 39. EQUITY ASSESSMENT PROGRAM

2 § 39-1. DEFINITIONS.

3 (A) *IN GENERAL*

4 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

5 (B) *AGENCY*.

6 "AGENCY" MEANS ANY DEPARTMENT, AUTHORITY, OFFICE, BOARD, COMMISSION,  
7 COUNCIL, COMMITTEE, OR OTHER UNIT OF THE CITY GOVERNMENT.

8 ~~(C) *DIRECTOR*.~~

9 ~~"DIRECTOR" MEANS THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF PLANNING~~  
10 ~~OR THAT DIRECTOR'S DESIGNEE.~~

11 ~~(D) *EQUITY ASSESSMENT*.~~

12 "EQUITY ASSESSMENT" MEANS A SYSTEMATIC PROCESS OF IDENTIFYING POLICIES AND  
13 PRACTICES THAT MAY BE IMPLEMENTED TO IDENTIFY AND REDRESS DISPARATE OUTCOMES  
14 ON THE BASIS OF RACE, GENDER, OR INCOME.

15 ~~(E) *GENDER*.~~

16 "GENDER" MEANS ACTUAL OR PERCEIVED SEX AND INCLUDES A PERSON'S GENDER  
17 IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION, WHETHER OR NOT THAT  
18 GENDER IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION IS DIFFERENT  
19 FROM THAT TRADITIONALLY ASSOCIATED WITH THE SEX ASSIGNED TO THAT PERSON AT  
20 BIRTH.

21 ~~§ 39-2. *RULES AND REGULATIONS*.~~

22 ~~(A) *IN GENERAL*.~~

23 ~~THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, MAY ADOPT RULES~~  
24 ~~AND REGULATIONS TO CARRY OUT THIS SUBTITLE.~~

25 ~~(B) *FILING WITH LEGISLATIVE REFERENCE*.~~

26 ~~A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF~~  
27 ~~LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.~~

28 ~~§§ 39-3 TO 39-5. *(RESERVED)*~~

29 § 39-62. PROGRAM INITIATED.

30 THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, EACH CITY AGENCY  
SHALL DEVELOP,  
31 ADOPT, AND OVERSEE AN EQUITY ASSESSMENT PROGRAM THAT REQUIRES CITY AGENCIES IT TO:





Council Bill 18-0223

- 1 (1) PROACTIVELY DEVELOP POLICIES, PRACTICES, AND STRATEGIC INVESTMENTS TO  
2 REVERSE DISPARITY TRENDS BASED ON RACE, GENDER, OR INCOME;
- 3 (2) ACT TO ELIMINATE STRUCTURAL AND INSTITUTIONAL RACISM AND DISCRIMINATION OF  
4 ALL KINDS BASED ON IMMUTABLE CHARACTERISTICS TO ENSURE THAT OUTCOMES AND  
5 OPPORTUNITIES FOR ALL PEOPLE ARE NO LONGER PREDICABLE BASED ON THOSE  
6 CHARACTERISTICS;
- 7 (3) DEVELOP AND IMPLEMENT AN EQUITY ACTION PLAN TO INCORPORATE AND EMBED  
8 EQUITY PRINCIPLES AND STRATEGIES INTO ~~CITY~~ ITS OPERATIONS, PROGRAMS, SERVICES,  
9 AND POLICIES; AND
- 10 (4) CONDUCT EQUITY ASSESSMENTS OF ITS EXISTING AND PROPOSED ~~CITY~~ ACTIONS AND  
11 POLICIES.

12 ~~§ 39-7. NOTICE OF PLANNING COMMISSION MEETINGS.~~

13 ~~THE PLANNING COMMISSION SHALL GIVE TO EACH MEMBER OF THE CITY COUNCIL AT LEAST 5~~  
14 ~~DAYS WRITTEN NOTICE OF ANY COMMISSION MEETING AT WHICH THE COMMISSION PROPOSES~~  
15 ~~TO CONSIDER APPROVING:~~

16 ~~(1) THE ADOPTION OF OR AMENDMENT TO THE EQUITY ASSESSMENT PROGRAM; OR~~

17 ~~(2) ANY RULE OR REGULATION ADOPTED OR AMENDED UNDER THIS SUBTITLE.~~

18 § 39-83. AGENCY IMPLEMENTATION – IN GENERAL EQUITY COORDINATOR.

19 ~~THE PROGRAM SHALL REQUIRE EACH CITY AGENCY, IN COOPERATION WITH THE DIRECTOR,~~  
20 ~~TO: SHALL~~

21 ~~(1) IDENTIFY AN EQUITY COORDINATOR WHO WILL BE RESPONSIBLE FOR MANAGING THAT~~  
22 ~~AGENCY'S PARTICIPATION IN THE EQUITY ASSESSMENT PROGRAM;~~

23 ~~(2) CONDUCT EQUITY ASSESSMENTS OF THE AGENCY'S EXISTING AND PROPOSED~~  
24 ~~PRACTICES AND POLICIES; AND~~

25 ~~(3) DEVELOP AND IMPLEMENT A PLAN TO ADDRESS ANY DISPARATE OUTCOMES BASED ON~~  
26 ~~RACE, GENDER, OR INCOME THAT HAVE BEEN IDENTIFIED BY THE AGENCY'S~~  
27 ~~ASSESSMENTS.~~

28 § 39-94. AGENCY IMPLANTATION – BILL REPORTS.

29 ~~WHENEVER AN AGENCY REPORTS TO THE CITY COUNCIL ON A PROPOSED ORDINANCE OR~~  
30 ~~RESOLUTION, THE AGENCY SHALL INCLUDE IN THAT REPORT THE RESULTS OF AN EQUITY~~  
31 ~~ASSESSMENT OF THE PROPOSAL'S IMPACT ON ITS OPERATIONS.~~

32 § 39-105. AGENCY IMPLEMENTATION – CAPITAL BUDGET SCORING.

33 ~~THE DIRECTOR OF PLANNING SHALL CONDUCT AN EQUITY ASSESSMENT ON ANY PROPOSED CAPITAL~~  
34 ~~BUDGET~~  
AND SCORE THE PROPOSED PROJECTS BASED ON THAT ASSESSMENT.



Council Bill 18-0223

1     § 39-116. ANNUAL EQUITY REPORT.

2           (A) *IN GENERAL*.

3           ON OR BEFORE JUNE 30 OF EACH YEAR, ~~THE DIRECTOR~~ EACH CITY AGENCY SHALL PREPARE AND  
SUBMIT TO  
4           THE MAYOR AND THE CITY COUNCIL AN ANNUAL EQUITY REPORT.

5           (B) *CONTENTS*.

6           THE REPORT SHALL INCLUDE:

7                   (1) AN ASSESSMENT OF PROGRESS TOWARDS ACHIEVEMENT OF THE GOALS OF THE  
8                   EQUITY ASSESSMENT PROGRAM;

9                   (2) AN ASSESSMENT OF THE CURRENT SCOPE OF AGENCY ITS COMPLIANCE;

10                   (3) A DISCUSSION OF ANY DISPARATE OUTCOMES IDENTIFIED THROUGH EQUITY  
11                   ASSESSMENTS OF ITS EXISTING ~~CITY~~ POLICIES OR PROCEDURES;

12                   (4) RECOMMENDED STEPS TO ADDRESS THE IDENTIFIED DISPARATE OUTCOMES; AND

13                   (5) AN UPDATE ON PROGRESS TOWARDS ELIMINATING PREVIOUSLY IDENTIFIED  
14                   DISPARITIES AND IMPLEMENTING ACTIONS RECOMMENDED IN PAST REPORTS.

15           SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
16           are not law and may not be considered to have been enacted as a part of this or any prior  
17           Ordinance.

18           SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
19           after the date it is enacted.



<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #18-0223/ EQUITY ASSESSMENT PROGRAM

CITY of  
BALTIMORE  
**MEMO**



TO

DATE:

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

May 31, 2018

At its regular meeting of May 31, 2018, the Planning Commission considered City Council Bill #18-0223, Equity Assessment Program, for the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #18-0223 with the following additional amendments,

1. recommended to change the wording in section 39-6 :B, to read as follows: "Starting in the second year following enactment, all city agencies shall develop an Equity Assessment Program that requires city agencies to consider:"
2. recommended amendment and approval of the bill on the basis that there will be no net increase to the City budget based on the new equity legislation/policy and that resources to implement this initiative will be found by reprioritizing existing resources, as necessary and voted to approve the staff's recommendations as amended; and adopted the following resolution, seven members being present (seven in favor):

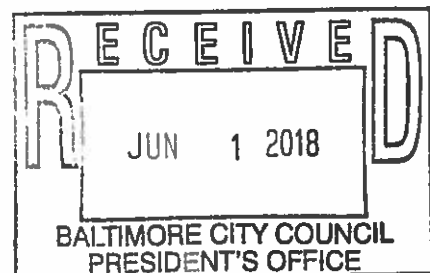
**RESOLVED**, That the Planning Commission concurs with the recommendation of its Departmental staff, and additional two amendments to the bill and recommends that City Council Bill #18-0223 be amended and passed by the City Council.

If you have any questions, please contact Mrs. Stephanie Smith in the Land Use and Urban Design Division at 410-396-8337.

TJS/wya

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer



*Pav of Amund S*



**Mr. Jim Smith, Chief of Strategic Alliances**  
**Ms. Karen Stokes, Mayor's Office**  
**Mr. Colin Tarbert, Mayor's Office**  
**Mr. Kyron Banks, Mayor's Office**  
**The Honorable Edward Reisinger, Council Rep. to Planning Commission**  
**Mr. Derek Baumgardner, BMZA**  
**Mr. Geoffrey Veale, Zoning Administration**  
**Ms. Sharon Daboin, DHCD**  
**Ms. Elena DiPietro, Law Dept.**  
**Mr. Francis Burnszynski, PABC**  
**Ms. Katelyn McCauley, DOT**  
**Ms. Natawna Austin, Council Services**







*Catherine E. Pugh*  
Mayor

## PLANNING COMMISSION

*Sean D. Davis, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

May 31, 2018

**REQUEST:** City Council Bill #18-0223/Equity Assessment Program

For the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Planning Department; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender or income and to proactively develop policies, practices and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

**RECOMMENDATION:** Amendment and approval

**STAFF:** Stephanie Smith, Eric Tiso, and Laurie Feinberg

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this matter.

#### **ANALYSIS**

**Background:**

Baltimore remains one of the most segregated cities in the US, according to 2010 Census data. It is undeniable that historic policy and planning decisions created and exacerbated inequity and inequality in Baltimore City. Policies to deliberately segregate white and black residents – such as restrictive covenants, the Federal Housing Administration’s openly racist system for mortgage loan approval, urban renewal, and others – directly contributed to many of the economic and social challenges Baltimore City faces today.

These and other policies have led to distinct “health and wealth gaps” between white and black populations in Baltimore. For example, the Baltimore Neighborhood Indicator Alliance found a 22.4 year difference in life expectancy between two neighborhoods, with the lowest in a neighborhood with 96.3% black residents and the highest life expectancy in a neighborhood with 20.4% black residents. Black residents in Baltimore have higher unemployment rates, more children living in poverty, less access to goods and services, and lower educational attainment than white populations within the city.

A desire to understand and actively work to dismantle and remedy the legacies of inequity drove the Department of Planning (DOP) to hold staff training on structural racism in March 2015. The Uprising a



month later accelerated conversation and increased commitment within the Department, leading to the creation of the Equity in Planning Committee (EIPC).

The goal of EIPC is to help erode the forces that create or sustain structural racism and other entrenched inequities in Baltimore City. EIPC promotes use of an “equity lens” for planning and hopes it ultimately will be applied to all City-driven decisions. The lens is not a static rubric, but sets an intention and provides a framework to provoke conscious acknowledgement of equity considerations during public engagement and decision-making processes, as well as accountability after the fact.

Drawing from the Urban Sustainability Directors Network, EIPC’s equity lens considers four overarching areas of equity and prompts questions like those listed below. For any policy or project, decision makers should consider:

1. **Structural Equity:** *What historic advantages or disadvantages have affected residents in the given community?*
2. **Procedural Equity:** *How are residents who have been historically excluded from planning processes being authentically included in the planning, implementation, and evaluation of the proposed policy or project?*
3. **Distributional Equity:** *Does the distribution of civic resources and investment explicitly account for potential racially disparate outcomes?*
4. **Transgenerational Equity:** *Does the policy or project result in unfair burdens on future generations?*

#### **Summary of the key provisions of CCB 18-0223, as introduced**

This bill is intended to require the development, implementation and reporting of an Equity assessment program in City government. It requires that the Director of Planning, with approval of Planning Commission, develop, adopt and oversee an equity assessment program for all City agencies. It outlines four areas to be covered:

1. Disparate race, gender and income impacts should be addressed
2. Act to eliminate structural and institutional racism and discrimination
3. Develop and implement an equity action plan embedding principles and strategies into City operations, programs and services
4. Conduct an equity assessment of existing and proposed City actions and policies

The bill also outlines Planning Commission notice for hearing these assessments, requires an agency equity coordinator and that equity be included in bill reports and capital budget requests/recommendations.

The bill also requires an annual report to be prepared by the Director of Planning and submitted to the Mayor and City Council by June 30 of each year.



### **Recommendations**

Inspired by the internal work Planning staff had completed, Council Bill 18-0223 seeks to broadly reshape a more equitable approach to Baltimore's municipal governance. This is an admirable and important aim. Our concerns are that this bill sets an aggressive timetable and puts a heavy burden on the Planning Department and Planning Commission.

- The timetable doesn't allow agencies to conduct training and develop action plans that are necessary before they can create meaningful assessments.
- To properly administer this program requires leadership from a position of authority. The Planning Commission does not have broad authority over other City agencies.
- The Planning Commission's scope of authority is focused on a limited range of topics, such as land use, master plans, and capital budgeting. The Commission is not equipped to provide guidance on equity assessments for such a broad range of City government functions.
- Many of the roles necessary to make this program successful would be better handled by other agencies. For example, the Department of Human Resources is better positioned to bring in trainers with national expertise to coordinate collective training for all agencies.
- Planning does not have the resources to adequately fulfill the responsibilities necessary to make this a meaningful process. The equity assessments should be a rigorous process, which would require significant resources and staffing to develop and administer properly.

This Planning Commission role should not include formal approval of an agency assessment or action plan, or adoption of the overall program. These actions would best be handled by other entities with broader purview over the full range of City agency programs and operations.

To achieve the goals of this bill Planning recommends a series of amendments and has attached a redline version of the bill draft, reflecting our recommendations for improving efficiency, managing scope and streamlining agency reporting. A **purpose statement** should be added to the bill to explain the reasons for such an equity assessment program. This will give the bill the background or context for better understanding its goals and the optimal steps and mechanisms for implementation.

#### **Section 39.1 Definitions**

**A definition of equity should be included.**

#### **Section 39.2 Rules and Regulations**

This section should be deleted or re-written to remove the Director and the Planning Commission as the entities responsible for Rules and Regulations. While it is outside of our purview to identify the responsible agency, it is important that the appropriate agency be charged with this task. Similarly, for other roles listed below that are not appropriate for the Planning Commission, the appropriate agency should be identified.

#### **§39-6 Program Initiated**

Reorganizing the sequence and increasing the preparation time for agency program implementation is critical to improving the quality of the agency work performed in accordance with this section. We



recommend a one year timeline for an agency to produce an equity assessment of its existing and proposed actions and policies. Given the broad scope of the Equity Assessment Program outlined in this section of the bill, we recommend that references to the Planning Director and Planning Commission developing, adopting and overseeing the program be deleted from this section.

Within this initial one-year period, agencies can participate in training and ongoing capacity building around equity and inclusion to produce a baseline analysis of the equity impacts of the agency's existing and proposed actions and policies, encompassing programs, operations and capital projects. This training should be provided from external local or national experts and be available to all lead agency staff.

Then another six months would be granted for agencies to develop an action plan informed by the baseline setting equity assessment.

Discussion in section (2) should strike the word "immutable" as income is not an immutable characteristic of the human condition.

**§39-7 Notice of Planning Commission Meetings**  
This section should be deleted.

**§39-8 Agency Implementation**  
Agencies should implement their obligations under §39.6 with each respective agency's Director working in cooperation with an identified senior team member who will serve as an Equity Officer. This person should report directly to an agency's Director.

**§39-9 Agency Implementation-Bill Reports**  
This section will benefit from the proposed amendment to define equity as it pertains to the purpose and goals of this bill.

Clarify that the equity assessment should be focused on the proposal's impact on disparity, not agency operations.

**§39-10 Agency Implementation – Capital Budget Scoring**  
This section should be deleted. An equity assessment of both the capital and operating budget should be provided through a bill report on the Ordinance of Estimates.

The Planning Department has begun and intends to continue to review the capital budget with an equity lens. This process has already proven beneficial and staff will continue to refine and improve this assessment, in cooperation with other agencies. To-date, actual scoring of capital project requests has not been part of this analysis.





**§39-11 Annual Equity Report**

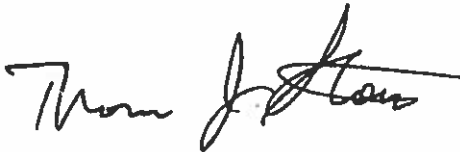
In order to maintain quality reporting per this section, without unduly burdening the Department of Planning, we recommend assessments be prepared by each respective agency and made available to City Council and the Department of Legislative Reference, rather than prepared by the Director of Planning. The City Council may hold hearings for public review of the Equity reports submitted.

The foregoing recommendations will provide the proper pacing to support agencies and their leadership on the effort outlined in the bill. Further, these recommendations will assist in reducing administrative burdens on Planning staff and the Planning Commission.

**With the inclusion of these recommendations, Planning staff recommends that the Planning Commission support the bill.**

**Notification:**

Email notification was sent to over 9,800 recipients via the GovDelivery system.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with a prominent initial "T" and "S".

**Thomas J. Stosur  
Director**



**CITY OF BALTIMORE  
COUNCIL BILL 18-0223  
(First Reader)**

**Introduced by: Councilmembers Scott, Sneed, Henry, President Young, Councilmembers  
Dorsey, Bullock, Burnett, Pinkett, Schleifer, Cohen, Middleton, Reisinger, Stokes,  
Clarke, Costello**

**Introduced and read first time: April 16, 2018**

**Assigned to: Judiciary and Legislative Investigations Committee**

**REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation,  
Office of the Comptroller, Department of Finance, Department of General Services, Department  
of Housing and Community Development, Department of Human Resources, Department of  
Planning, Department of Public Works, Department of Recreation and Parks, Department of  
Transportation, Fire Department, Health Department, Mayor's Office of Employment  
Development, Mayor's Office of Human Services, Mayor's Office of Information Technology,  
Police Department, Board of Ethics, Baltimore Municipal and Zoning Appeals, Commission for  
Historical and Architectural Preservation, Commission on Sustainability, Employees' Retirement  
System, Environmental Control Board, Fire and Police Employees' Retirement System, Labor  
Commissioner, Baltimore City Parking Authority Board, Wage Commission**

**A BILL ENTITLED**

**AN ORDINANCE concerning**

**Equity Assessment Program**

**FOR the purpose of providing for the implementation of an Equity Assessment Program for  
Baltimore City, to be developed and overseen by the Department of Planning; requiring City  
agencies to assess existing and proposed policies and practices for disparate outcomes based  
on race, gender, or income and to proactively develop policies, practices, and investments to  
prevent and redress those disparate outcomes; defining certain terms; providing for the  
adoption of rules and regulations to carry out this Program; requiring certain notices and  
reports; and generally relating to the goal of eliminating structural and institutional racism<sup>10</sup>  
and other forms of discrimination based on immutable characteristics.**

**BY adding  
Article 1 - Mayor, City Council, and Executive Agencies  
Section(s) 39-1 to 39-12, to be under the new subtitle  
"Subtitle 39, Equity Assessment Program"  
Baltimore City Code  
(Edition 2000)**

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the  
Laws of Baltimore City read as follows:**

**Baltimore City Code**



**Article I. Mayor, City Council, and Executive Agencies**

**SUBTITLE 39. EQUITY ASSESSMENT PROGRAM**

**§ 39-1. DEFINITIONS.**

**(A) IN GENERAL.**

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

**(B) AGENCY.**

"AGENCY" MEANS ANY DEPARTMENT, AUTHORITY, OFFICE, BOARD, COMMISSION, COUNCIL, COMMITTEE, OR OTHER UNIT OF THE CITY GOVERNMENT.

**(C) DIRECTOR.**

"DIRECTOR" MEANS THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF PLANNING OR THAT DIRECTOR'S DESIGNEE BALTIMORE CITY AGENCY.

**(D) EQUITY.**

"EQUITY" MEANS ADDRESSING THE NEEDS AND ASPIRATIONS OF A DIVERSE POPULATION AND MEANINGFULLY ENGAGING RESIDENTS THROUGH INCLUSIVE AND COLLABORATIVE PROCESSES TO EXPAND ACCESS TO POWER AND RESOURCES.

Insert definition of equity

**(DE) EQUITY ASSESSMENT.**

"EQUITY ASSESSMENT" MEANS A SYSTEMATIC PROCESS OF IDENTIFYING POLICIES AND PRACTICES THAT MAY BE IMPLEMENTED TO IDENTIFY AND REDRESS DISPARATE OUTCOMES ON THE BASIS OF RACE, GENDER, OR INCOME.

**(E) GENDER.**

"GENDER" MEANS ACTUAL OR PERCEIVED SEX AND INCLUDES A PERSON'S GENDER IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION, WHETHER OR NOT THAT GENDER IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION IS DIFFERENT FROM THAT TRADITIONALLY ASSOCIATED WITH THE SEX ASSIGNED TO THAT PERSON AT BIRTH.



~~§ 39-2. RULES AND REGULATIONS~~

~~(A) IN GENERAL:~~

~~THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.~~

~~(B) FILING WITH LEGISLATIVE REFERENCE:~~

~~A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.~~

~~§§ 39-3 TO 39-5. /RESERVED/~~

~~§ 39-6. PROGRAM INITIATED.~~

~~THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, SHALL DEVELOP, ADOPT, AND OVERSEE~~

~~(A) IN THE FIRST YEAR FOLLOWING ENACTMENT, AGENCIES MUST PARTICIPATE IN TRAINING AND ONGOING CAPACITY BUILDING AROUND EQUITY AND INCLUSION TO PRODUCE A BASELINE ANALYSIS OF THE EQUITY IMPACTS OF THE AGENCY'S EXISTING AND PROPOSED ACTIONS AND POLICIES, ENCOMPASSING PROGRAMS, OPERATIONS AND CAPITAL PROJECTS. THIS TRAINING SHOULD BE PROVIDED BY EXTERNAL EXPERTS.~~

~~(B) STARTING IN THE SECOND YEAR FOLLOWING ENACTMENT, ALL CITY AGENCIES SHALL DEVELOP AN EQUITY ASSESSMENT PROGRAM THAT ~~CONSIDERS~~ REQUIRES CITY AGENCIES TO:~~

- ~~(1) PROACTIVELY DEVELOP POLICIES, PRACTICES, AND STRATEGIC INVESTMENTS TO REVERSE DISPARITY TRENDS BASED ON RACE, GENDER, OR INCOME;~~
- ~~(2) ACT TO ELIMINATE STRUCTURAL AND INSTITUTIONAL RACISM AND DISCRIMINATION OF ALL KINDS BASED ON IMMUTABLE AND MUTABLE CHARACTERISTICS TO ENSURE THAT OUTCOMES AND OPPORTUNITIES FOR ALL PEOPLE ARE NO LONGER PREDICTABLE BASED ON THOSE CHARACTERISTICS;~~
- ~~(3) DEVELOP AND IMPLEMENT AN EQUITY ACTION PLAN TO INCORPORATE AND EMBED EQUITY PRINCIPLES AND STRATEGIES INTO CITY OPERATIONS, PROGRAMS, SERVICES, AND POLICIES; AND~~
- ~~(4) CONDUCT EQUITY ASSESSMENTS OF EXISTING AND PROPOSED CITY AGENCY ACTIONS, AND POLICIES, AND BUDGETS ~~this should include operating budget.~~~~

Comment [PS1]: There need to be rules and regulations, even if not developed by Planning. Maybe sub-cabinet responsibility?

Comment [PS2]: There needs to be a central coordinator/manager, even if not Planning. Maybe sub-cabinet?





~~§ 39-7. NOTICE OF PLANNING COMMISSION MEETINGS.~~

~~THE PLANNING COMMISSION SHALL GIVE TO EACH MEMBER OF THE CITY COUNCIL AT LEAST 5 DAYS WRITTEN NOTICE OF ANY COMMISSION MEETING AT WHICH THE COMMISSION PROPOSES TO CONSIDER APPROVING:~~

- ~~(1) THE ADOPTION OF OR AMENDMENT TO THE EQUITY ASSESSMENT PROGRAM; OR~~
- ~~(2) ANY RULE OR REGULATION ADOPTED OR AMENDED UNDER THIS SUBTITLE.~~

~~§ 39-8. AGENCY IMPLEMENTATION - IN GENERAL.~~

~~THE PROGRAM SHALL REQUIRE EACH CITY AGENCY, IN COOPERATION WITH THE DIRECTOR, TO:~~

- ~~(1) IDENTIFY AN EQUITY COORDINATOR OFFICER WHO WILL BE RESPONSIBLE FOR MANAGING THAT AGENCY'S PARTICIPATION IN THE EQUITY ASSESSMENT PROGRAM; THE EQUITY OFFICER SHALL REPORT DIRECTLY TO THE DIRECTOR.~~
- ~~(2) CONDUCT EQUITY ASSESSMENTS OF THE AGENCY'S EXISTING AND PROPOSED PRACTICES AND POLICIES; AND~~
- ~~(3) DEVELOP AND IMPLEMENT A PLAN TO ADDRESS ANY DISPARATE OUTCOMES BASED ON RACE, GENDER, OR INCOME THAT HAVE BEEN IDENTIFIED BY THE AGENCY'S ASSESSMENTS.~~

~~§ 39-9. AGENCY IMPLEMENTATION - IMPLEMENTATION - BILL REPORTS.~~

~~WHENEVER AN AGENCY REPORTS TO THE CITY COUNCIL ON A PROPOSED ORDINANCE OR RESOLUTION INCLUDING THE ORDINANCE OF ESTIMATES, THE AGENCY SHALL INCLUDE IN THAT REPORT THE RESULTS OF AN EQUITY ASSESSMENT OF THE PROPOSAL'S IMPACT ON ITS OPERATIONS DISPARITY.~~

~~§ 39-10. AGENCY IMPLEMENTATION - CAPITAL BUDGET SCORING.~~

~~WITH THE APPROVAL OF THE PLANNING COMMISSION, THE DIRECTOR SHALL CONDUCT DEVELOP AN EQUITY ASSESSMENT ON METHODOLOGY TO BE APPLIED TO ANY PROPOSED CAPITAL BUDGET AND SCORE THE PROPOSED PROJECTS BASED ON THAT ASSESSMENT.~~

Comment [TE3]: From Eric I don't think this section will work on a day-to-day basis. When we have routine bills, such as a conditional use approval, how does an equity assessment get done for a private project? I'd recommend limiting the scope to something that's more generally related somehow? If something as short as "no expected impact" is ok, then we might be able to live with it. It'll come down to expectations.

Comment [PS4]: For each individual conditional use, it might be very hard to identify an equity impact, but the report could indicate that the department will do an annual review of conditional uses and see whether inequitable patterns emerge.

Comment [PS5]: Both the capital budget and operating budget go to Council as a bill (Ordinance of Estimates), but we don't do a bill report. Maybe we should just do a bill report and then section 39-9 would apply. We would be able to choose whether we did an overall equity analysis or scoring of each individual request. We could add language to 39-9 specifying that a bill report is required (from Planning and Finance) for the Ordinance of Estimates.



**§ 39-11. ANNUAL EQUITY REPORT.**

**(A) IN GENERAL.**

~~ON OR BEFORE JUNE 30 OF EACH YEAR BEGINNING ONE-YEAR AFTER THE EFFECTIVE DATE OF THE ORDINANCE, THE DIRECTOR SHALL PREPARE AND SUBMIT TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL EQUITY REPORT. AGENCIES SHALL SUBMIT THEIR EQUITY REPORT TO THE MAYOR AND CITY COUNCIL AND DEPARTMENT OF LEGISLATIVE REFERENCE FOR PUBLIC REVIEW. CITY COUNCIL MAY HOLD HEARINGS TO REVIEW ANNUAL EQUITY REPORTS AS WARRANTED.~~

~~Further, agencies would be invited on a triennial basis, to present their assessments to Planning Commission during a public session, within three months of the annual equity report submission deadline.~~

**(B) CONTENTS.**

THE REPORT SHALL INCLUDE:

- ~~(1) AN ASSESSMENT OF PROGRESS TOWARDS ACHIEVEMENT OF THE GOALS OF THE EQUITY ASSESSMENT PROGRAM;~~
- ~~(2) AN ASSESSMENT OF THE CURRENT SCOPE OF AGENCY COMPLIANCE;~~
- ~~(3) A DISCUSSION OF ANY DISPARATE OUTCOMES IDENTIFIED THROUGH EQUITY ASSESSMENTS OF EXISTING CITY POLICIES OR PROCEDURES;~~
- ~~(4) RECOMMENDED STEPS TO ADDRESS THE IDENTIFIED DISPARATE OUTCOMES; AND~~
- ~~(5) AN UPDATE ON PROGRESS TOWARDS ELIMINATING PREVIOUSLY IDENTIFIED DISPARITIES AND IMPLEMENTING ACTIONS RECOMMENDED IN PAST REPORTS.~~

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> Day after the date it is enacted.







*Roselyn V. Spencer*  
Roselyn H. Spencer, Executive Director

FROM

NAME & TITLE	Roselyn H. Spencer, Executive Director
AGENCY NAME & ADDRESS	Employees' and Elected Officials' Retirement System 7 East Redwood Street, 12th Floor
SUBJECT	City Council Bill 18-0223

CITY OF  
BALTIMORE  
**MEMO**



TO

DATE:

May 31, 2018

The Honorable President and Members of the  
Baltimore City Council  
Attn: Natawna B. Austin  
Room 409, City Hall

Dear Mr. President and Members of the City Council:

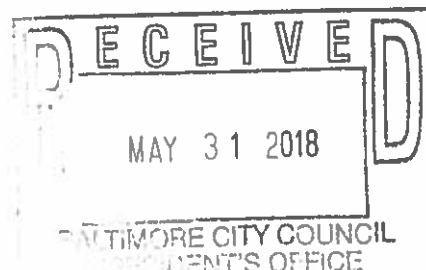
On behalf of the Board of Trustees of the Employees' Retirement System and the Elected Officials' Retirement System (the "Board"), I hereby submit the following response to City Council Bill 18-0223 (the "Bill").

The Bill's stated purpose is to implement an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning, requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes.

The Board will not oppose the Bill.

I would be pleased to answer any questions concerning this response.

cc: Karen Stokes, Director of Government Relations  
Kyron Banks, Legislative Liaison, City Council  
Larry Greene, Director, Office of Council Services  
Avery Aisenstark, Director, Legislative Reference  
Andre M. Davis, City Solicitor  
Jerome Sanders, ERS/EOS Board Chair  
The Honorable Joan M. Pratt, City Comptroller and ERS/EOS Board Vice-Chair  
Ian N. Berger, ERS/EOS General Counsel



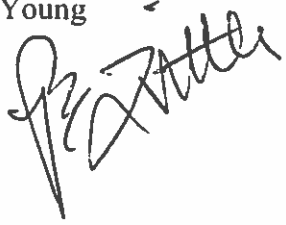
*Does  
not  
oppose*





TRANSMITTAL MEMO

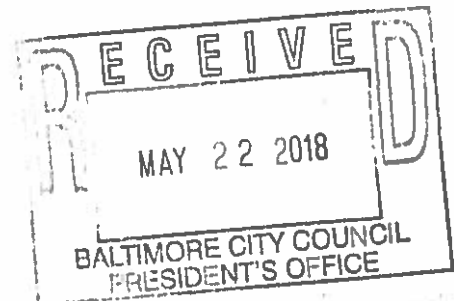
TO: Council President Bernard "Jack" Young  
FROM: Peter Little, Executive Director  
DATE: May 21, 2018  
RE: Council Bill 18-0223




I am herein reporting on City Council Bill 18-0223, introduced by Councilmembers Scott, Sneed, President Young, Dorsey, Bullock, Burnett, Pinkett, Shleifer, Cohen, Middleton, Reisinger, Stokes, Clarke, and Costello.

The purpose of this bill is providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income, and to proactively develop policies, practices and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

The Parking Authority of Baltimore City supports the passage of City Council Bill 18-0223.





<b>FROM</b>	NAME & TITLE	Rebecca Woods, Esq., Executive Director <i>RW</i>	CITY OF BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Environmental Control Board 200 E. Lexington Street, Suite 100		
	SUBJECT	City Council Bill # 18-0223 Equity Assessment Program		

DATE:

**TO**

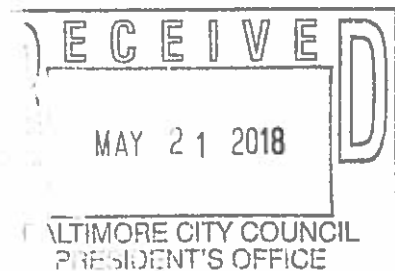
The Honorable President and Members  
of the Baltimore City Council

May 21, 2018



The Baltimore City Environmental Control Board (ECB) has been requested to review Council Bill #18-0223, Equity Assessment Program. The purpose of the bill is to implement an Equity Assessment Program requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income, and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes. Essentially, the bill's aim is to eliminate racism and other forms of discrimination.

The proposed bill will be difficult to implement due to the small size of the agency and the volume of work handled by the staff. Without knowing the time commitment necessary, the full impact of the bill is unknown; however, ECB cannot provide the staffing necessary to designate an employee as Equity Coordinator and to add to their already existing work duties the responsibility of conducting assessments, creating reports, and developing and implementing new practices and policies.

*Comments*





<b>FROM</b>	NAME & TITLE	N. Anthony Calhoun, Executive Director 	<b>CITY OF BALTIMORE</b>  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Fire and Police Employees' Retirement System 7 E. Redwood Street, 18 <sup>th</sup> Floor		
	SUBJECT	City Council Bill 18-0223		

DATE: May 15, 2018

**TO**

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

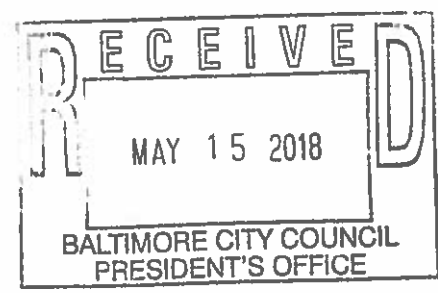
**Re: City Council Bill 18-0223 – Equity Assessment Program**

Dear Mr. President and City Council Members:

City Council Bill 18-0223 has been referred to certain City agencies, including the Fire and Police Employees' Retirement System ("F&P"), for comment. The Bill's stated purpose is to implement an Equity Assessment Program for Baltimore City requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes with the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

At their meeting of May 15, 2018, the F&P Board of Trustees resolved to not oppose the legislation.

I will be available to provide testimony, if necessary, at the hearing scheduled for CC Bill 18-0223. Please call me at 410.497.7929 if you would like additional information.



*Not opposed*



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Minutes - Final

### Judiciary and Legislative Investigations

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Wednesday, June 13, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

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18-0223

CHARM TV 25

#### CALL TO ORDER

#### INTRODUCTIONS

#### ATTENDANCE

**Present** 6 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Brandon M. Scott, and Member Robert Stokes Sr.

**Absent** 1 - Member Edward Reisinger

#### ITEM SCHEDULED FOR PUBLIC HEARING

##### 18-0223

##### **Equity Assessment Program**

For the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

**Sponsors:** Brandon M. Scott, Shannon Sneed, Bill Henry, President Young, Ryan Dorsey, John T. Bullock, Kristerfer Burnett, Leon F. Pinkett, III, Isaac "Yitzy" Schleifer, Zeke Cohen, Sharon Green Middleton, Edward Reisinger, Robert Stokes, Sr., Mary Pat Clarke, Eric T. Costello

**A motion was made by Member Scott, seconded by Member Clarke, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:**

**Yes:** 6 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Scott, and Member Stokes Sr.

**Absent:** 1 - Member Reisinger

**ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

### HEARING NOTES

Bill: 18-0223

#### Equity Assessment Program

**Committee:** Judiciary and Legislative Investigations

**Chaired By:** Councilmember Eric Costello

**Hearing Date:** June 13, 2018  
**Time:** 5:00 PM to 6:45 PM  
**Location:** Clarence "Du" Burns Chamber  
**Total Attendance:** ~50  
**Committee Members in Attendance:**  
Eric Costello            Mary Pat Clarke            Brandon Scott  
Leon Pinkett            Robert Stokes            John Bullock

**Bill Synopsis in the file?** .....  yes     no     n/a  
**Attendance sheet in the file?** .....  yes     no     n/a  
**Agency reports read?** .....  yes     no     n/a  
**Hearing televised or audio-digitally recorded?** .....  yes     no     n/a  
**Certification of advertising/posting notices in the file?** .....  yes     no     n/a  
**Evidence of notification to property owners?** .....  yes     no     n/a  
**Final vote taken at this hearing?** .....  yes     no     n/a  
**Motioned by:** ..... **Councilmember Scott**  
**Seconded by:** ..... **Councilmember Clarke**  
**Final Vote:** ..... **Favorable as Amended**

#### Major Speakers

*(This is not an attendance record.)*

- Stephanie Smith, Department of Planning
- Robert Cename, Department of Finance
- Hilary Ruley, Department of Law

---

**Major Issues Discussed**

1. Chairman Costello opened the proceedings, introduced the committee members in attendance, and discussed preliminary issues for the hearing.
2. Councilman Scott explained the background and reasons for the bill.
3. Stephanie Smith from the Department of Planning stated the Department's position on the bill and discussed its equity focused efforts, including staff training, the Equity in Planning Committee, Equity Action Plan, and others. Ms. Smith also discussed how to define/conceptualize equity.
4. Robert Cenname from the Department of Finance explained the Department's position on the bill, and its estimate that the program will cost over \$2 million per year based on other examples around the country. Mr. Cenname also discussed the Department's existing efforts to address equity through its processes, including a peer exchange with Seattle focused on Seattle's Race and Social Justice Initiative.
5. Representatives from other agencies to which the bill was referred stated the positions of their respective agencies as provided in their written reports, and described examples of how their agencies currently consider and address equity in their programs.
6. Councilman Pinkett asked the Departments of Finance and Planning whether they had looked at the equity toolkit developed locally by Associated Black Charities. Finance was not aware of that toolkit. Planning has used the toolkit as part of its efforts.
7. Councilman Pinkett asked the Department of Planning what kind of background and experience is needed for the equity coordinators. Ms. Smith explained that the positions would require training and that there are existing accreditation programs. Ms. Smith also discussed how federal agencies could be examples because their equity related programs have been in place for some time.
8. Members of the public testified in support of the bill and its goals, described existing inequities in Baltimore and how City agencies have contributed to them, and discussed how the City could define equity in the bill.
9. Chairman Costello read amendments 1 through 5 and 7 through 13, proposed by Councilman Scott, and the Committee voted to adopt each of them as read (see attachment).
10. Hilary Ruley of the Law Department stated that it will approve the bill for form and legal sufficiency with the adopted amendments.

---

**Further Study**

Was further study requested?

Yes  No

If yes, describe. N/A

---

**Committee Vote**

E. Costello: ..... Yea  
M. Clarke: ..... Yea  
J. Bullock: ..... Yea  
L. Pinkett: ..... Yea  
E. Reisinger: ..... Absent

B. Scott: ..... Yea  
R. Stokes: ..... Yea

---

*Matthew Peters*

Matthew L. Peters, Committee Staff

Date: June 13, 2018

cc: Bill File  
OCS Chrono File



## Equity Bill Amendment Summary

### RECITALS

**Requestor:** Law

**Amendment 1:** Delete a part of line 4

**Language:** "Baltimore City, ~~to be developed and overseen by the Department of Planning;~~ requiring City..."

**Requestor:** Law

**Amendment 2:** amend a part of lines 7 & 8

**Language:** "prevent and redress those disparate outcomes; defining certain terms; ~~providing for the~~ [adoption of rules and regulations to carry out this program]; requiring certain ~~notices and ..~~"

### Section 39-1. DEFINITIONS

**Requestor:** Law & Planning

**Amendment 3:** Delete Lines 8-10

**Language:** Director. "Director" means the director of the Baltimore City Department of Planning or that Director's Designee.

**Requestor:** Councilman Scott

**Amendment 4:** Insert new "Section C," beginning on Line 8– definition of Equity

**Language:** "Equity- Closing the gaps" in policy, practice and allocation of city resources so that race, gender, religion, sexual orientations and income do not predict one's success, while also improving outcomes for all."

### Section 39-2. RULES AND REGULATIONS

**Requestor:** Law & Planning

**Amendment 5:** Delete the entirety of section 39-2 -- Lines 21-27

**Amendment 6:** Not adopted

### Section 39-6. PROGRAM INITIATED

**Requestor:** Law/Planning

**Amendment 7:** Amend language on Line 30-31

**Language:** "Each City Agency shall develop, Adopt, and oversee an Equity Assessment Program that requires it to: "

**Requestor:** Planning

**Amendment 8:** Insert Language starting on Line 32

**Language:**

- A. "In the first year following enactment, agencies must participate in training and ongoing capacity building around equity and inclusion to produce a baseline analysis of the equity impacts of the agency's existing and proposed actions and policies, encompassing programs, operations and capital projects.

B. Starting in the second year following enactment, All City Agencies shall develop an equity assessment program that requires city agencies to:

**Requestor:** Councilman Scott

**Amendment 9:** Add "Sexual Orientation" to the end of the newly inserted B1 & amend B4 respectively

**Language:** 1 "Proactively develop policies, practices, and strategic investments to reverse disparity trends based on race, gender, income OR SEXUAL ORIENTATION"

4: Conduct Equity assessments of existing and proposed agency actions, policies and budgets, both capital and operating

**Section 39-7. Notice of Planning Commission Meetings**

**Requestor:** Law/Planning

**Amendment 10:** Delete Entirety of Section

**Section 39-8. Agency Implementation - In general [Equity Coordinator]**

**Requestor:** Law/Planning/Councilman Scott/Administration

**Amendment 11:** Amend/Delete Language

**Language:** "Each agency shall"

1: "Identify an equity coordinator who will be responsible for managing that agency's equity assessment program. The Equity coordinator Shall report directly to the director of each agency"

2: conduct equity assessments of the agency's existing and proposed practices and policies, and

3: develop and implement a place to address any disparate outcomes based on race, gender, income, or sexual orientation that have been identified by the agency's assessments

**Section 39-10. Capital Budget Scoring**

**Requestor:** Law

**Amendment 12:** Amend Language, Line 33 of page 3

**Language:** "The Director of Planning shall conduct an equity assessment on any proposed capital budget and score the proposed projects based on that assessment. The results of each proposed capital budget shall be published on the Department of Planning's Website.

**Section 39-11. Annual Equity Report**

**Requestor:** Planning/Law

**Amendment 13:** Amend Language beginning on Line 3 page 4

**Language:** " On or before June 30 of each year beginning one year after the effective date of the ordinance, agencies shall submit their equity report to the Mayor and City Council and Department of legislative reference for public review and be made available online. City Council May hold hearings to review annual equity reports as warranted.

B: Contents

The Report Shall include:

- 1. An assessment of progress towards achievement of the goals of the equity assessment program;**
- 2. An assessment of the current scope of its compliance**
- 3. A discussion of any disparate outcomes identified through equity assessments of its existing policies or procedures;**
- 4. Recommended steps to address the identified disparate outcomes; and**
- 5. An update on progress towards eliminating previously identified disparities and implementing actions recommended in past reports**



10/10/10





# CITY OF BALTIMORE

## CITY COUNCIL HEARING ATTENDANCE RECORD

**Committee:** Judiciary and Legislative Investigations **Chairperson:** Eri  
**Date:** June 13, 2018 **Time:** 5:00 PM **Place:** Clarence "Du" Burns Chambers  
**Subject:** Ordinance - Equity Assessment Program

**PLEASE PRINT**

***IF YOU WANT TO TESTIFY PLEASE CHECK HERE***

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com
Amanda	Smith		100 N. Holliday St.	21202	amanda.rodrigues-smith@baltimorecity.gov
Raul	Taylor		" "	"	P.Taylor@baltim
A Adar	Aguiar		1117 Cathedral, Balto	21201	aguiara@abc-md
Patricia	Tubee		2008 Kennedy Ave	21218	

①

(\* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



# CITY OF BALTIMORE

## CITY COUNCIL HEARING ATTENDANCE RECORD

<b>Committee: Judiciary and Legislative Investigations</b>		<b>Chairperson: Eri</b>
<b>Date: June 13, 2018</b>	<b>Time: 5:00 PM</b>	<b>Place: Clarence "Du" Burns Chambers</b>
<b>Subject: Ordinance - Equity Assessment Program</b>		

**PLEASE PRINT**

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Kristyn	Oldendorf		DPW		
Terry	Hickey		MOHS		terry.hickey@baltimore
Amy Beth	Leasure		BCFD		amy.leasure@balt
LINDSAY	WINES		BCIT		lindsay.wines@baltimoreci
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# CITY OF BALTIMORE

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<b>Subject:</b> Ordinance - Equity Assessment Program	

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FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS
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Michelle	Witzberger		BPD		michelle.witzber
Danielle	Butcher		BPD		
Ryan	Trout		DGS		
Stephanie	Smith		Dof		Stephanie.Smith@cityofbaltimore.com
<del>Ralph</del>	<del>MOO</del>				
Steward	Beckham		Comptroller's Office		
Bob	Cernane		Finance		
Jacia	Smith		DHR		
Jasora	Ingram		DHR		

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**ABC** Associated  
Black Charities

POLICY APPLICATIONS  
OF A RACIAL EQUITY LENS

# Ten

Essential  
Questions  
for

Policy Development,  
Review and Evaluation

## CHANGING THE FUTURE: Stepping Toward Equity...

*The City of Seattle introduced its Race and Social Justice Initiative in 2005. In doing so, it was the first city that had ever undertaken a specific initiative focused explicitly on improving community well-being by addressing institutional racism and eliminating racial inequity.*

Public policy has played a pivotal role in both creating and dismantling the structural and institutional barriers that have disproportionately affected marginalized groups, including racial groups, in America. Although the most obvious racially discriminatory policies have been overturned or mitigated, factors that disadvantage communities of color—intended and unintended alike—continue to operate in American society and in public policy.

ABC and our partner organizations consistently receive questions from policy-makers and other leaders regarding practical applications of a racial equity framework in assessing the racial impacts of policies, practices, and programs. These questions represent a larger shared vision of fairness that is far more likely to be achieved if we can increase effectiveness in evaluating the impact of policies on all groups of Maryland residents. This shared vision places Maryland firmly in the forefront of high caliber policy development. Using a racial equity lens in developing policy puts Maryland at the forefront of cities and states that directly address racial equity. Removing structural and institutional barriers that have racially disproportionate impacts on residents increases Maryland's reputation as a livable state and strengthens its economic vibrancy.

*This pocket guide is a concrete educational tool for policy leaders and others wanting to translate their commitment to justice and equity to practical applications.*

### The Challenge

Most policies are developed from a “universalist”<sup>1</sup> perspective that assumes everyone has equal access and opportunity. Such an approach, however, does not account for the structural and institutional barriers to opportunity that continue to operate in American society. Racialized barriers don't just hurt individual racial groups; they hurt our national economy, generating losses on our economic and material productivity. Developing a racial equity approach to policy can assist in changing that dynamic. For example, closing race-based earning gaps by 2030 would increase U.S. GDP by 16% -- more than \$5 trillion a year -- increasing corporate profits by more than \$450 billion and federal tax revenues by more than \$1 trillion.<sup>2</sup> As Maryland's population grows and changes, becoming more racially diverse, it is even more critical to examine how policy -- legislation, budget priorities, regulatory issues, judicial decisions, and other policy that affect opportunities, access, and day-to-day lives of residents -- is likely to impact the different groups in our society, especially those who have been historically cut off from fully benefiting from economic opportunity.

## CHANGING THE FUTURE: Policy Applications of a Racial Equity Framework: Background

*The UK's Public Sector Equality Act of 2010 requires public authorities to have “due regard to equality considerations when exercising their functions.” Although not required by this law, the use of Equity Impact Assessments are strongly encouraged to assess certain policies regarding their potential impact on equality prior to their implementation.*

Analyzing the impact of policies on racial and other marginalized groups is not new, either nationally or internationally. The UK, for example, has frequently updated its “Equality Act,” including a “Public Sector Equality Duty and Equality Impact Assessment” which obligates public authorities to give “due regard to the need to advance equality of opportunity.”

Nationally, city governments are becoming more responsive to the calls of coalition groups (advocacy, business, community) for policy assessments that address racial (and other forms of) equity. Whether called Racial Equity Impact Assessments<sup>5</sup>, Equity Impact Assessments, or Race and Social Justice Initiatives, cities and states across the country<sup>6</sup> either have or are advocating for racial equity impact assessments as standard parts of the policy process:

- Seattle, WA's process is regarded as a model in policy impact assessments. It has a concrete and far-reaching plan of action that incorporates internal outcomes in City government, public engagement and City services, as well as race-based disparities in Seattle communities.
- The state of Connecticut has a narrower focus, applying its racial equity assessment lens only to policies that affect prison populations. In 2009, its General Assembly created measures requiring its Office of Legislative Research to prepare racial and ethnic impact statements for all bills affecting prison population size, when requested by its Legislative Committees.

In these cases, each targeted effort moved from a seemingly “race neutral” decision-making perspective to one that supports legislators in more effectively addressing implicit biases and barriers in systems -- and in the process, transforming them.

### Leading With Race ...

Race has thus far maintained an intractable role in American society. Specifically addressing this issue -- not from a personal or interpersonal perspective, but from the often invisible structural and institutional perspective -- is essential.

As we developed this pocket guide we learned that some are concerned that use of an equity lens benefits some groups and not others. Research<sup>3</sup> has shown, though, that inequity is damaging to the economic well-being of communities, regions and nations alike. Using a framework that carefully acknowledges the detrimental economic and social impact of racism from a structural and institutional frame is not beneficial only to particular groups -- it benefits the entire state. By using a racial equity<sup>4</sup> framework, decision-makers signal that they recognize that challenges faced by some groups ultimately and adversely affect everyone. Intentional and consistent use of a racial equity framework prepares our state for the demographic changes to come by expanding pathways to opportunities that advance the overall interests of as many Maryland residents as possible.

## CHANGING THE FUTURE: Policy Applications of a Racial Equity Lens In Maryland ...

*The City of Madison established its Racial Equity and Social Justice Initiative in 2013, focusing on eliminating racial and social inequities in two main areas in municipal government: policies/budgets and city operations. Equity considerations are now integral to major decisions, with the focus on achieving equitable allocation of resources.*

**Policymakers in Seattle, Washington; Madison, Wisconsin; and other cities in the United States are on the front lines of taking action by simply asking questions with a racial equity lens when drafting, reviewing and before passing public policy.**

**Below are 10 essential questions that every policy-maker and civic leader involved in policy development, review and evaluation should use to identify the potential of unintended race-based disparities and, when appropriate, to inform policy decisions. While it may not always be possible to answer every question in detail, each should at least be asked and considered. Asking these questions is an acknowledgement that policy is not “universal” or “colorblind” and that incorporating an equity lens to policy increases the economic growth prospects for Maryland and *all* its residents.**

### Ten Essential Questions for Policy Development, Review and Evaluation:<sup>7</sup>

1. How is an equity lens incorporated within the policy?
2. Does the policy explicitly account for potential racially disparate outcomes? If so, how? If not, how can it be incorporated?
3. How is an equity lens incorporated in tracking policy outcomes?
4. Will the policy increase access and opportunity for communities of color? How?
5. Will the policy have a positive impact on racial / ethnic equity, inclusion and full participation of all people (in the process, in implementation, in breadth of outreach and participation, in decision-making and culture of decision-making, etc.)?
6. Will the policy protect against racial violence, racial profiling and discrimination? How?
7. What are the mechanisms in place to ensure accountability (such as equity-focused benchmarks or indicators)?
8. Do the lens and tools for accountability incorporate a racial equity framework? How?
9. Are there changes that could be made to make the policy more equitable and inclusive?
10. What are the economic and social benefits of incorporating an equity lens in this policy?



**ABC** Associated  
Black Charities

*“Changing the Future”*

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**TESTIMONY** THE  
**Judiciary and Legislative Investigations Committee**  
**Baltimore City Council**

TO: Honorable Eric Costello, Chair, and Members of the Judiciary and  
Legislative Investigations Committee

FR: A. Adar Ayira, Senior Leadership Team, Associated Black Charities

DT: June 13, 2018

RE: **In Support of Council Bill 18-0223-Equity Assessment Program**

Associated Black Charities is a public foundation located in Baltimore City. We seek to create more positive economic outcomes for all Baltimore City residents through working to eliminate race-based structural and institutional barriers which truncate opportunity and access for African American and other non-Black Marylanders of color, thereby negatively impacting the economic viability of the state.

The incorporation of a Racial Equity Lens in every level of policy making is essential in “seeding success” for all Maryland communities by working to counteract the unfortunate economic and social legacies of our country’s – and this city and state’s – racialized history.

As ABC explains in its policy education document “Policy Applications of a Racial Equity Lens: Ten Essential Questions for Policy Development, Review and Evaluation” (attached), analyzing the impact of policies on racial and other marginalized groups is not new, either nationally or internationally. Cities such as Seattle (WA), Madison (WI), St. Paul (MN), and Iowa City (IA) have incorporated procedures for determining disparate racialized impacts of policies on historically marginalized populations.

In Maryland, the Department of Juvenile Services provides an existing Racial Equity Lens operational model that has been carefully crafted, is in alignment with ABC’s educational policy tool for policy makers wanting to create policies that have more effective and equitable outcomes for all Maryland citizens, and that can provide an implementation guide for Baltimore City agencies.

When policy and legislation seek the outcome of racial equity, the benefit is shared by all. But without the proactive use of a racial equity lens; without training, capacity-building, and clear accountability metrics; and without on-going support of outside counsel, Baltimoreans of color will remain vulnerable to the harmful outcomes of structural “universalism” with racialized implementations and/or outcomes.

Because we believe that all Baltimoreans – and all Marylanders – deserve policies that acknowledge the ways in which racism and other forms of structural, historic oppression continue to manifest, operate, and truncate opportunities and access in our society, ABC commends Councilman Scott, Sneed, and all other co-sponsors for introducing Council Bill 18-0223.

We offer not only our support for this legislation, but our commitment to continue to work in partnership with all City Council representatives who are also committed to ensuring a Baltimore in which all residents have equitable opportunity, access, and support to advance the common good.

1114 Cathedral Street-Suite 200 \* Baltimore, MD 21201 \* 410-659-0000 \*410-659-0755

An Affiliate of the United Way of Central Maryland



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Agenda - Final

### Judiciary and Legislative Investigations

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Wednesday, June 13, 2018

5:00 PM

Du Burns Council Chamber, 4th floor, City Hall

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18-0223  
CHARM TV 25

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEM SCHEDULED FOR PUBLIC HEARING**

##### 18-0223

##### Equity Assessment Program

For the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

##### Sponsors:

Brandon M. Scott, Shannon Sneed, Bill Henry, President Young, Ryan Dorsey, John T. Bullock, Kristerfer Burnett, Leon F. Pinkett, III, Isaac "Yitzy" Schleifer, Zeke Cohen, Sharon Green Middleton, Edward Reisinger, Robert Stokes, Sr., Mary Pat Clarke, Eric T. Costello

#### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**





CITY OF BALTIMORE

CATHARINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## BILL SYNOPSIS

**Committee:** Judiciary and Legislative Investigations

**Bill 18-0223**

---

### Equity Assessment Program

---

**Sponsor:** Councilmember Scott, et al

**Introduced:** April 16, 2018

**Purpose:**

For the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

**Effective:** 30th day after the date it is enacted

**Hearing Date/Time/Location:** June 13, 2018/5:00 p.m./Clarence "Du" Burns Chamber

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### AGENCY REPORTS

City Solicitor	Favorable with Amendments
Department of Planning	Favorable with Amendments
Employees' Retirement System	Not Opposed
Baltimore City Parking Authority Board	Favorable
Environmental Control Board	Comments
Fire and Police Employees' Retirement System	Not Opposed
Baltimore Development Corporation	
Office of the Comptroller	
Department of Finance	
Department of General Services	

Department of Housing and Community Development  
Department of Human Resources  
Department of Public Works  
Department of Recreation and Parks  
Department of Transportation  
Fire Department  
Health Department  
Mayor's Office of Employment Development  
Mayor's Office of Human Services  
Mayor's Office of Information Technology  
Police Department  
Board of Ethics  
Baltimore Municipal and Zoning Appeals  
Commission for Historical and Architectural Preservation  
Commission on Sustainability  
Labor Commissioner  
Wage Commission

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## ***ANALYSIS***

### **Bill Summary**

The bill requires the Director of the Department of Planning ("Director"), with the Planning Commission's approval, to develop and oversee an Equity Assessment Program. The bill also authorizes the Director, with the Planning Commission's approval, to adopt necessary rules and regulations. The Planning Commission must provide written notice to the City Council before any meeting in which it will consider adopting or amending the Equity Assessment Program or any rules or regulations under the subtitle.

In addition to developing and overseeing the Equity Assessment Program, the bill requires the Director to score all capital budget projects based on an Equity Assessment. The bill further requires the Director to submit an Annual Equity Report, including certain contents, to the Mayor and City Council on or before June 30 of each year.

The Equity Assessment Program adopted by the Director must require each City agency to:

- Identify an Equity Coordinator who will be responsible for managing the agency's participation in the program;
- Conduct Equity Assessments of the agency's existing and proposed practices and policies;

- Develop a plan to address any disparate outcomes based on race, gender,<sup>1</sup> or income identified by the agency's assessments; and
- Include the results of an Equity Assessment in any report that the agency submits to the City Council on any proposed ordinance or resolution.

### Agency Recommendations

The Law Department has advised that the bill must be amended to remove the Planning Department and the Planning Commission as the oversight and implementation bodies for the program, because they have "no legal authority under the City's Charter to oversee or implement this type of program for all of City government." Article VII, §§ 70–80 of the Baltimore City Charter establish the Department of Planning and the Planning Commission, and grant them specific powers and duties. However, Article VII, § 2 of the Charter allows City agencies to perform additional duties and exercise additional powers prescribed by ordinance as long as those duties and powers are consistent with the Charter.<sup>2</sup> The Law Department's report included suggested amendments that would allow it to approve the bill for form and legal sufficiency.

The Law Department's report also discussed similar state legislation that was proposed during the 2018 session of the Maryland General Assembly but did not pass, and equity initiatives in Montgomery County and Takoma Park, Maryland. The Fiscal and Policy Notes for the state legislation predicted that implementing its requirements would likely require the affected state agencies to significantly increase expenditures.

The Planning Commission recommended approval of the bill with several amendments, including amendments to remove references to the Director and the Planning Commission as the entities responsible for developing and overseeing the program. The Planning Commission also noted that it "recommended amendment and approval of the bill on the basis that there will be no net increase to the City budget based on the new equity legislation/policy and that resources to implement this initiative will be found by reprioritizing existing resources..."

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<sup>1</sup> The bill defines "gender" as a person's "actual or perceived sex and includes a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth."

<sup>2</sup> Specifically, Article VII, § 2 states that "[c]onsistent with the Charter, and subject to the supervision of a superior municipal officer or agency, a department, officer, commission, board or other municipal agency provided for in the Charter shall perform additional duties and possess additional powers, as may be prescribed by ordinance."

The Environmental Control Board submitted comments expressing uncertainty and concern regarding the resources needed to meet its obligations under the bill.

### **Background and Current Law**

Baltimore City has a long history of discriminatory policies and practices that have resulted in disparities based on race, gender, and/or income. Disparities have been documented in the rates of stops, searches and arrests conducted by the Police Department, in the distribution of funds through the City's capital budget, and in City contracting and subcontracting. There are also significant disparities in economic outcomes based on race and health outcomes based on race and poverty in Baltimore City.

The Baltimore City Code includes several provisions designed to prevent ongoing discrimination and to overcome the effects of past discrimination in the City. Article 4 of the Baltimore City Code prohibits discrimination based on "race, color, religion, national origin, ancestry, sex, age, marital status, familial status, physical or mental disability, sexual orientation, or gender identity or expression" in employment, public accommodations, education, health and welfare agency services, and housing. Article 4 also establishes the Baltimore Community Relations Commission and provides it with specific powers, duties, and procedures for enforcing the Article.

Article 5, § 28 of the Baltimore City Code establishes the City's program to encourage contracting and subcontracting with minority and women's business enterprises for the provision of goods and services to the City.

Article 5, § 29 of the Baltimore City Code establishes the City's Commercial Non-discrimination Policy, which prohibits the City from accepting bids or engaging in business with "any business firm that has discriminated on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, gender identity or expression, age, disability, or any other form of unlawful discrimination in its solicitation, selection, hiring, or treatment of another business." Article 5, § 5-2 further directs the Board of Finance "to ensure that no City funds are invested in or through business entities that are in violation of the City's Commercial Non-Discrimination Policy."

Disparate outcomes resulting from City agency practices and policies can potentially be used as a basis for discrimination claims under federal law. Title VI of the Civil Rights Act (42 U.S.C. 2000D) prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The regulations adopted by most federal agencies implementing Title VI prohibit both intentional discrimination and practices that have the effect of discrimination on the basis of race, color, or national origin.

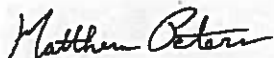
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**ADDITIONAL INFORMATION**

**Fiscal Note:** None

**Information Source(s):** Baltimore City Charter; Baltimore City Code; U.S. Code; Code of Federal Regulations; Department of Law; Department of Planning; Department of Health; Environmental Control Board; Other City Agencies to which the Bill was Referred; Maryland Department of Legislative Services; U.S. Department of Justice; The Racial Wealth Divide Initiative; The Brookings Institution; NERA Economic Consulting; Baltimore Sun; Bill 18-0223.

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Analysis by:

Matthew L. Peters

Direct Inquiries to: (410) 396-1268

Analysis Date:

June 8, 2018



**CITY OF BALTIMORE  
COUNCIL BILL 18-0223  
(First Reader)**

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Introduced by: Councilmembers Scott, Sneed, Henry, President Young, Councilmembers Dorsey, Bullock, Burnett, Pinkett, Schleifer, Cohen, Middleton, Reisinger, Stokes, Clarke, Costello  
Introduced and read first time: April 16, 2018

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation, Office of the Comptroller, Department of Finance, Department of General Services, Department of Housing and Community Development, Department of Human Resources, Department of Planning, Department of Public Works, Department of Recreation and Parks, Department of Transportation, Fire Department, Health Department, Mayor's Office of Employment Development, Mayor's Office of Human Services, Mayor's Office of Information Technology, Police Department, Board of Ethics, Baltimore Municipal and Zoning Appeals, Commission for Historical and Architectural Preservation, Commission on Sustainability, Employees' Retirement System, Environmental Control Board, Fire and Police Employees' Retirement System, Labor Commissioner, Baltimore City Parking Authority Board, Wage Commission

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Equity Assessment Program**

3 FOR the purpose of providing for the implementation of an Equity Assessment Program for  
4 Baltimore City, to be developed and overseen by the Department of Planning; requiring City  
5 agencies to assess existing and proposed policies and practices for disparate outcomes based  
6 on race, gender, or income and to proactively develop policies, practices, and investments to  
7 prevent and redress those disparate outcomes; defining certain terms; providing for the  
8 adoption of rules and regulations to carry out this Program; requiring certain notices and  
9 reports; and generally relating to the goal of eliminating structural and institutional racism  
10 and other forms of discrimination based on immutable characteristics.

11 BY adding

12 Article 1 - Mayor, City Council, and Executive Agencies  
13 Section(s) 39-1 to 39-12, to be under the new subtitle designation,  
14 "Subtitle 39. Equity Assessment Program"  
15 Baltimore City Code  
16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
18 Laws of Baltimore City read as follows:

19 **Baltimore City Code**

20 **Article 1. Mayor, City Council, and Executive Agencies**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.





**Council Bill 18-0223**

1 (1) PROACTIVELY DEVELOP POLICIES, PRACTICES, AND STRATEGIC INVESTMENTS TO  
2 REVERSE DISPARITY TRENDS BASED ON RACE, GENDER, OR INCOME;

3 (2) ACT TO ELIMINATE STRUCTURAL AND INSTITUTIONAL RACISM AND DISCRIMINATION OF  
4 ALL KINDS BASED ON IMMUTABLE CHARACTERISTICS TO ENSURE THAT OUTCOMES AND  
5 OPPORTUNITIES FOR ALL PEOPLE ARE NO LONGER PREDICABLE BASED ON THOSE  
6 CHARACTERISTICS;

7 (3) DEVELOP AND IMPLEMENT AN EQUITY ACTION PLAN TO INCORPORATE AND EMBED  
8 EQUITY PRINCIPLES AND STRATEGIES INTO CITY OPERATIONS, PROGRAMS, SERVICES,  
9 AND POLICIES; AND

10 (4) CONDUCT EQUITY ASSESSMENTS OF EXISTING AND PROPOSED CITY ACTIONS AND  
11 POLICIES.

12 **§ 39-7. NOTICE OF PLANNING COMMISSION MEETINGS.**

13 THE PLANNING COMMISSION SHALL GIVE TO EACH MEMBER OF THE CITY COUNCIL AT LEAST 5  
14 DAYS WRITTEN NOTICE OF ANY COMMISSION MEETING AT WHICH THE COMMISSION PROPOSES  
15 TO CONSIDER APPROVING:

16 (1) THE ADOPTION OF OR AMENDMENT TO THE EQUITY ASSESSMENT PROGRAM; OR

17 (2) ANY RULE OR REGULATION ADOPTED OR AMENDED UNDER THIS SUBTITLE.

18 **§ 39-8. AGENCY IMPLEMENTATION – IN GENERAL.**

19 THE PROGRAM SHALL REQUIRE EACH CITY AGENCY, IN COOPERATION WITH THE DIRECTOR,  
20 TO:

21 (1) IDENTIFY AN EQUITY COORDINATOR WHO WILL BE RESPONSIBLE FOR MANAGING THAT  
22 AGENCY'S PARTICIPATION IN THE EQUITY ASSESSMENT PROGRAM;

23 (2) CONDUCT EQUITY ASSESSMENTS OF THE AGENCY'S EXISTING AND PROPOSED  
24 PRACTICES AND POLICIES; AND

25 (3) DEVELOP AND IMPLEMENT A PLAN TO ADDRESS ANY DISPARATE OUTCOMES BASED ON  
26 RACE, GENDER, OR INCOME THAT HAVE BEEN IDENTIFIED BY THE AGENCY'S  
27 ASSESSMENTS.

28 **§ 39-9. AGENCY IMPLANTATION – BILL REPORTS.**

29 WHENEVER AN AGENCY REPORTS TO THE CITY COUNCIL ON A PROPOSED ORDINANCE OR  
30 RESOLUTION, THE AGENCY SHALL INCLUDE IN THAT REPORT THE RESULTS OF AN EQUITY  
31 ASSESSMENT OF THE PROPOSAL'S IMPACT ON ITS OPERATIONS.

32 **§ 39-10. AGENCY IMPLEMENTATION – CAPITAL BUDGET SCORING.**

33 THE DIRECTOR SHALL CONDUCT AN EQUITY ASSESSMENT ON ANY PROPOSED CAPITAL BUDGET  
34 AND SCORE THE PROPOSED PROJECTS BASED ON THAT ASSESSMENT.

**Council Bill 18-0223**

1    **§ 39-11. ANNUAL EQUITY REPORT.**

2        (A) *IN GENERAL.*

3            ON OR BEFORE JUNE 30 OF EACH YEAR, THE DIRECTOR SHALL PREPARE AND SUBMIT TO  
4            THE MAYOR AND THE CITY COUNCIL AN ANNUAL EQUITY REPORT.

5        (B) *CONTENTS.*

6            THE REPORT SHALL INCLUDE:

7                (1) AN ASSESSMENT OF PROGRESS TOWARDS ACHIEVEMENT OF THE GOALS OF THE  
8                EQUITY ASSESSMENT PROGRAM;

9                (2) AN ASSESSMENT OF THE CURRENT SCOPE OF AGENCY COMPLIANCE;

10              (3) A DISCUSSION OF ANY DISPARATE OUTCOMES IDENTIFIED THROUGH EQUITY  
11              ASSESSMENTS OF EXISTING CITY POLICIES OR PROCEDURES;

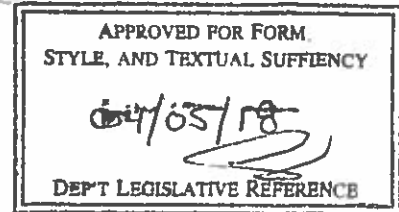
12              (4) RECOMMENDED STEPS TO ADDRESS THE IDENTIFIED DISPARATE OUTCOMES; AND

13              (5) AN UPDATE ON PROGRESS TOWARDS ELIMINATING PREVIOUSLY IDENTIFIED  
14              DISPARITIES AND IMPLEMENTING ACTIONS RECOMMENDED IN PAST REPORTS.

15            **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
16            are not law and may not be considered to have been enacted as a part of this or any prior  
17            Ordinance.

18            **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
19            after the date it is enacted.

INTRODUCTORY\*  
CITY OF BALTIMORE  
COUNCIL BILL \_\_\_\_\_



Introduced by: Councilmembers Scott and Sneed

A BILL ENTITLED

AN ORDINANCE concerning

**Equity Assessment Program**

FOR the purpose of providing for the implementation of an Equity Assessment Program for Baltimore City, to be developed and overseen by the Department of Planning; requiring City agencies to assess existing and proposed policies and practices for disparate outcomes based on race, gender, or income and to proactively develop policies, practices, and investments to prevent and redress those disparate outcomes; defining certain terms; providing for the adoption of rules and regulations to carry out this Program; requiring certain notices and reports; and generally relating to the goal of eliminating structural and institutional racism and other forms of discrimination based on immutable characteristics.

BY adding

Article 1 - Mayor, City Council, and Executive Agencies  
Section(s) 39-1 to 39-12, to be under the new subtitle designation,  
"Subtitle 39. Equity Assessment Program"  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:**

**Baltimore City Code**

**Article 1. Mayor, City Council, and Executive Agencies**

**SUBTITLE 39. EQUITY ASSESSMENT PROGRAM**

**§ 39-1. DEFINITIONS.**

**(A) IN GENERAL.**

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(B) *AGENCY.*

“AGENCY” MEANS ANY DEPARTMENT, AUTHORITY, OFFICE, BOARD, COMMISSION, COUNCIL, COMMITTEE, OR OTHER UNIT OF THE CITY GOVERNMENT.

(C) *DIRECTOR.*

“DIRECTOR” MEANS THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF PLANNING OR THAT DIRECTOR’S DESIGNEE.

(D) *EQUITY ASSESSMENT.*

“EQUITY ASSESSMENT” MEANS A SYSTEMATIC PROCESS OF IDENTIFYING POLICIES AND PRACTICES THAT MAY BE IMPLEMENTED TO IDENTIFY AND REDRESS DISPARATE OUTCOMES ON THE BASIS OF RACE, GENDER, OR INCOME.

(E) *GENDER.*

“GENDER” MEANS ACTUAL OR PERCEIVED SEX AND INCLUDES A PERSON’S GENDER IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION, WHETHER OR NOT THAT GENDER IDENTITY, SELF-IMAGE, APPEARANCE, BEHAVIOR, OR EXPRESSION IS DIFFERENT FROM THAT TRADITIONALLY ASSOCIATED WITH THE SEX ASSIGNED TO THAT PERSON AT BIRTH.

**§ 39-2. RULES AND REGULATIONS.**

(A) *IN GENERAL.*

THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

**§§ 39-3 TO 39-5. {RESERVED}**

**§ 39-6. PROGRAM INITIATED.**

THE DIRECTOR, WITH THE APPROVAL OF THE PLANNING COMMISSION, SHALL DEVELOP, ADOPT, AND OVERSEE AN EQUITY ASSESSMENT PROGRAM THAT REQUIRES CITY AGENCIES TO:

- (1) PROACTIVELY DEVELOP POLICIES, PRACTICES, AND STRATEGIC INVESTMENTS TO REVERSE DISPARITY TRENDS BASED ON RACE, GENDER, OR INCOME;
- (2) ACT TO ELIMINATE STRUCTURAL AND INSTITUTIONAL RACISM AND DISCRIMINATION OF ALL KINDS BASED ON IMMUTABLE CHARACTERISTICS TO ENSURE THAT OUTCOMES AND OPPORTUNITIES FOR ALL PEOPLE ARE NO LONGER PREDICABLE BASED ON THOSE CHARACTERISTICS;

- (3) DEVELOP AND IMPLEMENT AN EQUITY ACTION PLAN TO INCORPORATE AND EMBED EQUITY PRINCIPLES AND STRATEGIES INTO CITY OPERATIONS, PROGRAMS, SERVICES, AND POLICIES; AND
- (4) CONDUCT EQUITY ASSESSMENTS OF EXISTING AND PROPOSED CITY ACTIONS AND POLICIES.

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- (2) ANY RULE OR REGULATION ADOPTED OR AMENDED UNDER THIS SUBTITLE.

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THE PROGRAM SHALL REQUIRE EACH CITY AGENCY, IN COOPERATION WITH THE DIRECTOR, TO:

- (1) IDENTIFY AN EQUITY COORDINATOR WHO WILL BE RESPONSIBLE FOR MANAGING THAT AGENCY'S PARTICIPATION IN THE EQUITY ASSESSMENT PROGRAM;
- (2) CONDUCT EQUITY ASSESSMENTS OF THE AGENCY'S EXISTING AND PROPOSED PRACTICES AND POLICIES; AND
- (3) DEVELOP AND IMPLEMENT A PLAN TO ADDRESS ANY DISPARATE OUTCOMES BASED ON RACE, GENDER, OR INCOME THAT HAVE BEEN IDENTIFIED BY THE AGENCY'S ASSESSMENTS.

**§ 39-9. AGENCY IMPLANTATION – BILL REPORTS.**

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**§ 39-10. AGENCY IMPLEMENTATION – CAPITAL BUDGET SCORING.**

THE DIRECTOR SHALL CONDUCT AN EQUITY ASSESSMENT ON ANY PROPOSED CAPITAL BUDGET AND SCORE THE PROPOSED PROJECTS BASED ON THAT ASSESSMENT.

**§ 39-11. ANNUAL EQUITY REPORT.**

(A) *IN GENERAL.*

ON OR BEFORE JUNE 30 OF EACH YEAR, THE DIRECTOR SHALL PREPARE AND SUBMIT TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL EQUITY REPORT.

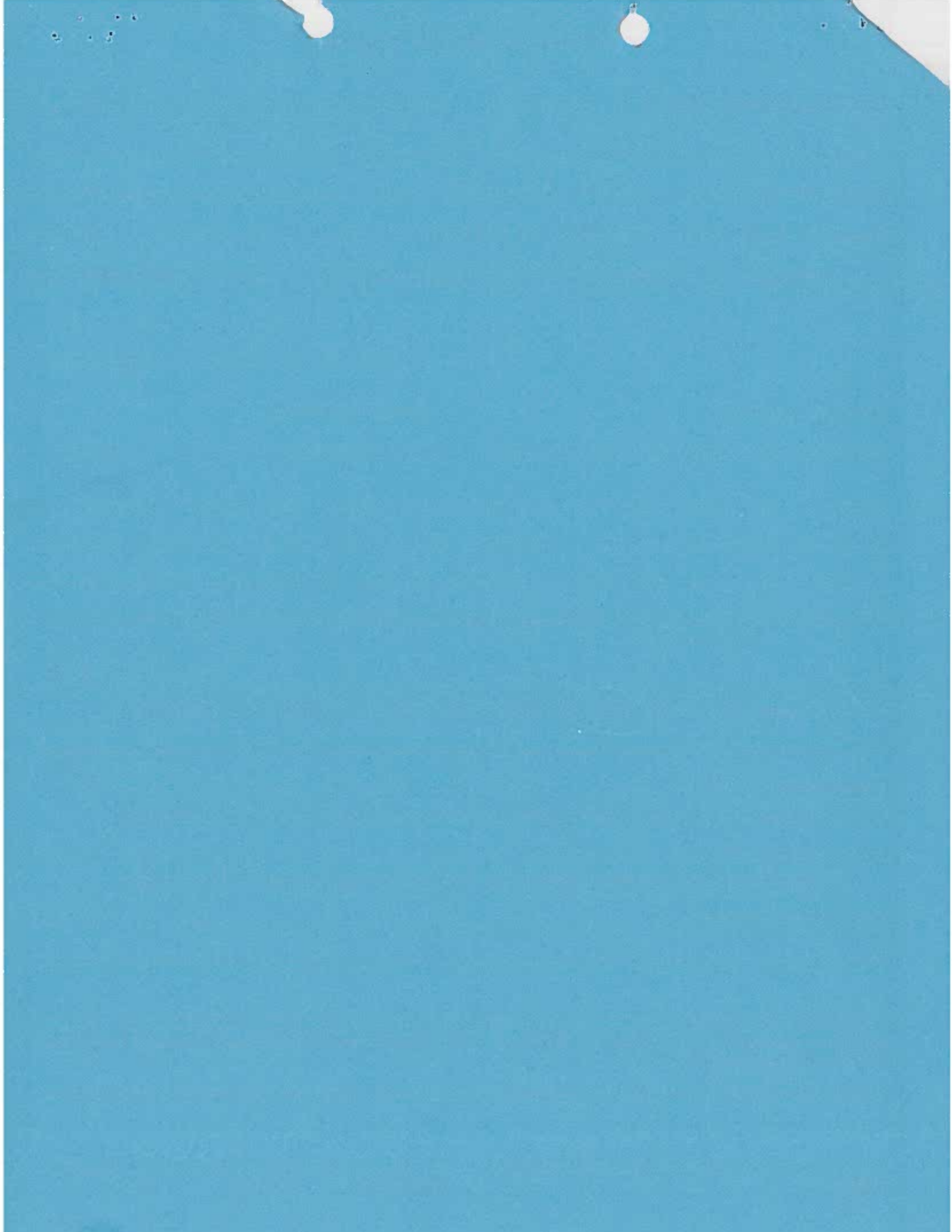
(B) *CONTENTS.*

THE REPORT SHALL INCLUDE:

- (1) AN ASSESSMENT OF PROGRESS TOWARDS ACHIEVEMENT OF THE GOALS OF THE EQUITY ASSESSMENT PROGRAM;
- (2) AN ASSESSMENT OF THE CURRENT SCOPE OF AGENCY COMPLIANCE;
- (3) A DISCUSSION OF ANY DISPARATE OUTCOMES IDENTIFIED THROUGH EQUITY ASSESSMENTS OF EXISTING CITY POLICIES OR PROCEDURES;
- (4) RECOMMENDED STEPS TO ADDRESS THE IDENTIFIED DISPARATE OUTCOMES; AND
- (5) AN UPDATE ON PROGRESS TOWARDS ELIMINATING PREVIOUSLY IDENTIFIED DISPARITIES AND IMPLEMENTING ACTIONS RECOMMENDED IN PAST REPORTS.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.





**ACTION BY THE CITY COUNCIL**

APR 16 2018  
20

READING (INTRODUCTION) \_\_\_\_\_

PUBLIC HEARING HELD ON June 13, 2018 \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF June 25, 2018 \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE  FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

*C. T. ...*

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUN 25 2018  
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ JUL 09 2018  
20

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

*[Signature]*

President

*[Signature]*

Chief Clerk