

**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, 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

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.

(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:

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 30th day
19 after the date it is enacted.