

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0223

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

AN ORDINANCE CONCERNING

Equity Assessment Program

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2
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, sexual orientation, or income and to proactively develop policies, practices,
7 and investments to prevent and redress those disparate outcomes; defining certain terms;
8 ~~providing for the adoption of rules and regulations to carry out this Program;~~ requiring certain
9 ~~notices and reports;~~ and generally relating to the goal of eliminating structural and
10 institutional racism 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:

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.
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.

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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*.

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 **§ 39-6. 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:~~

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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~~₂
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,~~
31 ~~TO:~~

32 EACH AGENCY MUST:

- 33 (1) IDENTIFY AN EQUITY COORDINATOR WHO SHALL REPORT DIRECTLY TO THE HEAD OF
34 THE AGENCY AND WILL BE RESPONSIBLE FOR MANAGING THAT AGENCY'S
35 PARTICIPATION IN THE EQUITY ASSESSMENT PROGRAM;

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

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 ~~IMPLEMENTATION~~ 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
14 PLANNING'S WEBSITE.

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
29 EQUITY ASSESSMENT PROGRAM;

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

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

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

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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 30th 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