

**Statement for the Record of the September 22, 2022 Public Round Table  
DC Zoning Commission Case 22-RT1  
Submitted by Parisa Norouzi, Executive Director, Empower DC**

My name is Parisa Norouzi and I am the co-founder and Executive Director of Empower DC, a citywide organization that has worked to advance equitable development, environmental justice and racial equity since 2003.

Today, I urge the zoning commission to adopt robust tools and processes for evaluating the racial equity impact of decisions that come before the commission, and to do so with urgency, and in a meaningful way, so as to create a pathway for the city to truly move the needle on racial equity.

I appreciate the leadership of Chairman Hood in calling for today's round table. I ask that you leave the record open for at least 2 weeks to allow more voices to weigh in on this important issue. I also ask that you consider as a next step the creation of a task force or committee with the inclusion of community representatives to work alongside you and other key agency representatives to move this effort to completion. Thank you for acknowledging in your opening statement that what is ultimately put in place will become a legal requirement, we look forward to having the racial equity analysis adopted as a zoning text amendment.

Empower DC does not support the racial equity tool proposed by the Zoning commission in its current form. It does not have the specificity to reflect the mandates of the Comprehensive Plan, and it will not advance racial equity in its current form.

It's very helpful and instructive to return to the Comp Plan language on what a racial equity lens should entail. The comp plan calls us to:

- Identify and consider past and current systemic racial inequities;
- Identify who benefits or is burdened from a decision;
- Disaggregate data by race, and analyze data considering different impacts and outcomes by race; and
- Evaluate the program, activity or decisions to identify measures, such as policies, plans, or requirements, that reduce systemic racial inequities, eliminate race as a predictor of results, and promote equitable development outcomes.

We have developed recommendations to meet the comp plan's mandate which are attached to my statement, along with a summary of research that we have conducted on racial equity initiatives from other cities.

The aspect that I want to emphasize is pertaining to community engagement. As it stands, the tool does not require any specific standards of engagement or participation of impacted people.

We believe firmly that an inequitable process can not lead to an equitable outcome.

As the comp plan states, racial equity is as much a process as it is an outcome.

The process can not be superficial or performative - it must be substantive, ongoing and have the effect of leveling the playfield - which means sharing power - with impacted communities.

Unfortunately the zoning process as a whole is inaccessible. In addition to mandating community engagement within the racial equity tool, we really must address issues of notice, standing and accessibility throughout the zoning process. Digital exclusion, language access, and other factors that determine the ability of impacted people to be meaningfully informed and engaged must be addressed.

Much of the weight of community input has been placed on the ANC, who have standing in proceedings and are seen as the voice of the community. But as unpaid volunteers with often little or no zoning experience, even an active ANC is hardly equipped to effectively manage zoning issues - much less those who are new and inexperienced. With developers generally represented by high paid zoning attorneys, and the community by unpaid ANCs if at all - there is clearly an imbalance in representation within these proceedings.

The Comp Plan is very clear that meaningful involvement is a key aspect of racial equity. It states in part:

As a process, **we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives**, particularly people of color. Applying this lens also reflects the targeted support to communities of color through policies and programs that are aimed at centering – focusing on their needs and barriers to participate and make informed decisions – and eliminating racial divides, all while taking into account historical trauma and racism. 213.9 - DC Comprehensive Plan Framework Element

The Comp Plan reiterates this emphasis in its description of equitable development, stating:

**Equitable development is a participatory approach for meeting the needs of underserved communities** through policies, programs and/or practices that reduce and ultimately eliminate disparities while fostering places that are healthy and vibrant. Equitable development holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities. As the District grows and changes, it must do so in a way that encourages choice, not displacement, and **builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes** and share in the benefits of the growth, while not unduly bearing its negative impacts. (CP § 213.7)

The term environmental justice as defined by the EPA is also instructive, as it emphasizes the fair treatment and meaningful involvement of impacted people. EPA states that:

Meaningful Involvement means that: **(1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.**

We envision creating standards for community engagement which must be met by the applicant, the outcomes of which to be reported in its racial equity statement.

We know this to be true:

- An inequitable process can not lead to an equitable outcome. The work that must be done to win trust and level the playing field prior to engagement is vitally important work that must not be rushed or minimized.
- You can not do effective community engagement if you don't know the community, and meaningful community relationships are built over time
- Engagement must be ongoing, and continue after decisions are made to include the community in implementation and enforcement efforts

- Community members hold expertise and knowledge. The posture of applicants should be first and foremost to learn from impacted residents
- The engagement process must be transparent and information must be accessible - too often residents are forced to fight for access information or data that is critical to a decision that is being made

Some may argue this is too time intensive and will delay projects - but in reality, if these efforts are conducted early, residents will not be forced to use tactics to delay and oppose projects later in order to have their voices heard. To achieve racial equity and equitable development, applicants should treat communities as partners and demonstrate that they are interested in learning and shaping their project based on residents' input. If applicants are unwilling to do so, it should raise alarm bells.

The Commission, perhaps with the help of the Office of Planning, should identify the impacted population for each decision being made and set a standard for engagement that must be met in order for the process to be complete and legitimate. This should include a baseline for how many people must be reached within each special population impacted. This baseline of engagement should be required before a case can move forward to setdown.

There needs to be a mechanism for residents to submit complaints, and accountability standards set in place, when engagement standards are not met.

The Office of Planning or Office of Racial Equity could be called upon to help the applicant create an engagement plan to meet these requirements. ORE recently released a meaningful community engagement guide for DC agencies which can be found on their website. [https://ore.dc.gov/sites/default/files/dc/sites/ore/page\\_content/attachments/ORE-MCE-Guide-V1-Final-August2022.pdf](https://ore.dc.gov/sites/default/files/dc/sites/ore/page_content/attachments/ORE-MCE-Guide-V1-Final-August2022.pdf)

Level setting & pre-engagement measures will be required to make meaningful participation possible. This may include language access, digital access, child care, or other measures to meet the needs of residents and facilitate their involvement.

Digital exclusion remains a significant barrier for many who seek to participate. Notice, case documents, and hearings must not take place solely through online technologies. In person and phone based support must also be made available. Publication of cases must not be solely through email, the DC register or other online resources.

Applicants should be required to conduct pre-engagement activities, that prime and support community residents with their actual engagement. Examples of this could include:

- Door to door engagement in the impacted community to talk about an upcoming effort, and answer questions that assist people with planning for their engagement
- Sending materials in the mail that provide background information and ample notice, offering phone conversations to get questions answered
- Setting up a phone hotline where background information can be listened to and questions answered
- Setting up community bulletin boards where project details are made visible and publicly available

I know the Commission agrees that lack of enforcement of community benefit agreements is a concern. The solution is not only in the transparent reporting and tracking of these agreements, although that is helpful. Strengthening community engagement early and throughout the project timeline will build the constituency of people who are knowledgeable about and invested in the agreement outcome, and who will continuously follow up on its implementation.

Advancing racial equity will require many interventions - not all of those are in the Commission's hands. But by requiring robust community engagement, we are not only building toward a more equitable outcome for the projects that come before you, we are also demonstrating that we value the voices and visions of DC residents who have for far too long been largely excluded from the decisions that are impacting their communities. Their qualitative input should be regarded as vital to racial equity analysis, alongside the quantitative data.

## THE COMPREHENSIVE PLAN REQUIRES RACIAL EQUITY ANALYSIS WITHIN DC PLANNING & ZONING - THE ZONING COMMISSION'S DRAFT RACIAL EQUITY TOOL IS INSUFFICIENT

### COMPREHENSIVE PLAN BACKGROUND:

The District must also commit to normalizing conversations about race and operationalizing strategies for advancing racial equity. Racial equity is defined as the moment when **“race can no longer be used to predict life outcomes and outcomes for all groups are improved.”** 213.8

“213.9 As an outcome, the District achieves racial equity when race no longer determines one’s socioeconomic outcomes; when everyone has what they need to thrive, no matter where they live or their socioeconomic status; and when racial divides no longer exist between people of color and their white counterparts. As a process, **we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives,** particularly people of color. Applying this lens also reflects the targeted support to communities of color through policies and programs that are aimed at centering – focusing on their needs and barriers to participate and make informed decisions – and eliminating racial divides, all while taking into account historical trauma and racism. 213.9 - DC Comprehensive Plan Framework Element

Throughout the Comprehensive Plan elements, the term “racial equity lens” is used for activities ranging from preparing small area plans to evaluating development decisions. The intent is for District agencies to develop processes and tools tailored to various programs, activities, and decisions, that center and account for the needs of residents of color, to achieve these outcomes:

- Identify and consider past and current systemic racial inequities;
- Identify who benefits or is burdened from a decision;
- Disaggregate data by race, and analyze data considering different impacts and outcomes by race; and
- Evaluate the program, activity or decisions to identify measures, such as policies, plans, or requirements, that reduce systemic racial inequities, eliminate race as a predictor of results, and promote equitable development outcomes.

- DC Comprehensive Plan, Implementation Element

Equitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices that reduce and ultimately eliminate disparities while fostering places that are healthy and vibrant. Equitable development holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities. As the District grows and changes, it must do so in a way that encourages choice, not displacement, and builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes and share in the benefits of the growth, while not unduly bearing its negative impacts. (CP § 213.7)

**2501.7 Action: IM-1.1.B Equity Tools for District Agencies, including the Zoning Commission**

Prepare and implement tools, including training, to assist District agencies in evaluating and implementing the Comprehensive Plan's policies and actions through an equity, particularly a racial equity lens. This includes tools to use as part of the development review process, preparation of plans, zoning code updates, and preparation of the capital improvement program, that considers how to apply an equity analysis in these processes, including any information needed. This shall specifically include a process for the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis. 2501.7

**2501.8 Action IM-1.1.C: Equity and Resilience Training**

Provide regular training on equity, racial equity and resilience to development review decision makers and related staff, including the Zoning Commission, Board of Zoning Adjustment, and the Historic Preservation Review Board. 2501.8

**RECOMMENDATIONS FOR THE SEPT 22 ROUND TABLE**

**The proposed Racial Equity Tool is insufficient and is not substantive enough to lead to meaningful change and equitable development outcomes. It does not meet Comprehensive Plan requirements.**

**Require Ongoing Meaningful Community Engagement**

Meaningful involvement of impacted people is a central tenet of equity. Zoning must require community engagement early in the development process, and ongoing throughout it. Qualitative data must be considered alongside quantitative. Zoning decisions that limit the ability of impacted people to continue to be involved in decision making (ie the Barry Farm map amendment) are inequitable.

**Require Racial Equity Analysis for All Zoning Decisions**

Racial Equity analysis must be conducted for all zoning decisions - not just contested cases. Map and text amendments must be reviewed for their racial equity impact. Standards for this analysis must be codified through a zoning text amendment. There must be measures of accountability for cases where racial equity analysis is not conducted.

**Meaningfully Assess Displacement Risk:**

Assessment of displacement risk is a critical component of racial equity impact analysis.

- a tool to assess displacement risk must be developed
- more specific questions to guide the assessment of displacement risk must be adopted
- evaluating potential "direct displacement" (on site) is not enough. Many projects have displacement impacts throughout the community. Other jurisdictions consider the areas that are within ¼ mile of the project site in evaluating displacement risk.

**Use Current & Historic Data, Track and Report Outcomes**

The transparent use of data, disaggregated by race, is required to identify past and present inequities is crucial. DC has yet to develop the data tools and dashboards required by the Comprehensive Plan. Outcomes must be tracked and measured to determine progress in advancing racial equity. Progress towards closing the racial wealth gap is one such measure. Housing affordability data must be set in the context of the median income for Black families in the target area.

### **Consider Impact for Priority Groups and Vulnerable Populations**

DC's racial equity analysis must incorporate consideration of our special populations including DC natives and people with disabilities.

### **Require Applicants to Take Actions that Advance Equity**

When a project is taking place in a displacement risk area, the applicant should be required to take additional steps to address displacement and advances racial equity, prior to coming to the Zoning Commission for approval. (See case study: Boston)

### **Make the Zoning Process Accessible**

An inequitable process can not lead to an equitable outcome. The entire zoning process must be made accessible to impacted residents. Notice and standing rules must be amended, and digital exclusion issues considered.

### **Conduct Racial Equity Analysis within Community Planning**

The Office of Planning advises the Zoning Commission and conducts the analysis to determine consistency with the Comprehensive Plan. The racial equity analysis requirement should be conducted within the community planning section of OP - not the zoning/development review section. The community planning section is better able to engage impacted communities, analyze data and determine racial equity impact. Zoning section is not familiar with the impacted communities and can not interpret the data and racial equity impact.

## **Recommendations Based on Research from Other Cities**

### **Document Historic Segregation and Inequitable Practices**

Develop mapping and narrative tools to document historic community level inequities

It is vital to invest in research on a community's specific history of racism in housing and land use before taking further steps to develop policy or plans. In order to address issues like racial disparities in wealth and health through land-use reforms, it is important that we have a firm understanding of the past actions that produced our present conditions. Then, it is essential that cities not only acknowledge this history but take actions that are informed by this research to prove to the community that the government is being authentic and intentional in dismantling systemic racism and barriers to fair housing and community equity.

Example: Louisville, Kentucky: Office of Redevelopment Strategies has launched an [interactive story map](#) that illustrates the modern day consequences of redlining in Louisville. With the launch of this map, a year-long community conversation will take place to address the issue of redlining in Louisville. By beginning this dialogue, the city intends to acknowledge the past and



better its future by removing hurdles that prevent residents from reaching their full human potential.

### **Develop Displacement Risk Indices**

It is important to use neighborhood data to identify and categorize areas in the city as it relates to the level of displacement risk. Identifying these areas can help to guide equitable land use policies and can serve as a foundation for the implementation of targeted solutions to prevent displacement.

Example: Seattle, Washington: Seattle has developed a [displacement risk index](#) that includes factors that increase the risk of marginalized populations being displaced. Factors included in their index are indicators such as income, education, percentage of renters, percentage of housing cost burdened households to identify high risk areas in the city for displacement.

### **Develop Community Equity Focus Areas**

It is also important to use neighborhood data to identify and categorize areas in the city as it relates to the level of neighborhood access to opportunity. When these areas are identified, they can be used in concert with the displacement risk areas to guide equitable land use policies.

Example: Seattle, Washington: Seattle has also developed an [access to opportunity index](#) that includes factors that contribute to a neighborhood's social, economic, and physical well being. Factors included are indicators such as high performing schools, number of jobs within a two mile radius, access to fresh produce to identify areas in the city with low levels of community equity.

### **Categorize Neighborhoods using the Displacement and Community Equity Areas**

Juxtaposing the displacement risk index with the community equity focus areas can be useful in guiding equitable land use policies by allowing for the implementation of differing strategies in differing neighborhoods that work together to advance racial equity.

Example: Seattle Washington: Seattle has [identified neighborhoods](#) as: High Displacement Risk/Low Access to Opportunity, High Displacement Risk/High Access to Opportunity, Low Displacement Risk/Low Access to Opportunity, Low Displacement Risk/High Access to Opportunity. These categories are used to analyze potential growth strategies (such as guiding growth near light rail) and predicting the potential impacts on displacement.

### **Use the Displacement and Community Equity Areas to Set Goals**

Once the focus areas are identified that can be used to set goals, targets, and metrics that are designed to achieve more equitable outcomes.

Example: Chicago, Illinois: Chicago has tasked each of its agencies to submit a [racial equity goal](#) for each year. Similarly, agencies in DC could be tasked with setting racial equity goals to implement in high displacement risk areas and in areas with low levels of community equity. In addition, the Executive and the Council could set overall goals for these areas.

### **Develop a Citywide Equitable Development Data Tool**

Beyond the identifying of displacement and community equity areas, a data tool should be developed to allow public and stakeholders to access citywide, ward-wide, and neighborhood level data related to factors such as demographics, economic security, and housing affordability. This tool can be used to guide and shape equitable land use policies.

Example: New York City: New York City has required the development of a publicly accessible [equitable development data tool](#). Data is provided for six specific categories, and is disaggregated by race and ethnicity, where available. Demographic conditions, household economic security, neighborhood quality of life and access to opportunity, housing security, affordability, and quality, housing production, and a displacement risk index.

### **Require Submission of Racial Equity Reports for Land Use Applicants**

Applicants should be required to proactively file reports that seek to assess the displacement impacts of the potential project in order to propose remedial action and to discourage projects that will encourage displacement. Reports should identify how the project relates to goals and strategies that will advance racial equity housing goals, affirmatively further fair housing, and promote equitable access to opportunity.

Example: New York City: Requires a racial equity report that has a listing of the number of units by affordable unit type and expected rents or prices as well as the household incomes needed to afford such units without incurring housing cost burden. For non-residential uses applicants must list the projected number of jobs in each sector or occupation, median wage levels of those jobs, and the racial and ethnic composition and educational attainment of the workforce for the projected sectors. Applicants must use the data tool to create the community profile including a summary of the data in the prior two decades, and a comparison of the community profile for the local study area with the borough and citywide data for all categories disaggregated by race, including a summary of the distribution of households based on income levels that correspond with affordable housing categories, and using data on affordable housing lottery applicants and awardees.

Boston: Proposals presented to the [Planning Agency for Large Project Review](#) must include:

- 1) a narrative description of how the project will further the goals of overcoming segregation and fostering inclusive communities.
- 2) an assessment of historical exclusion and displacement risk, which consists of a review of potential racial and economic changes in the area where the project is proposed, and a review of the proposal's potential effect on rents in the area to ensure that longtime residents will not lose their housing. The BPDA will be required to use an Affirmatively Furthering Fair Housing (AFFH) Assessment Tool to determine what might be the potential effects on residents and businesses before development plans are approved.
- 3) Must present a description of measures to be taken to achieve the AFFH goals using the intervention menus in the zoning code amendment. The interventions must include a process and a marketing intervention. There is an additional intervention list for projects that are in high displacement risk areas and for planned development areas.

Montgomery County, Maryland: [Racial equity and social justice impact statements](#) are required for each bill and zoning text amendment before approval.

Each impact statement includes “the sources of information, assumptions, and methodologies used and an estimate of both positive and negative changes in racial equity and social justice in the County as a result of the implementation of the action”.

### **Require Applicants for Land Use Permissions in High Displacement Areas to Implement Interventions**

Applicants should be required to implement solutions from a list of interventions that can mitigate displacement and advance housing equity.

Example: Boston: [Interventions](#) include deepening the affordability of units beyond what would otherwise be required, providing a higher number of accessible units than otherwise required, matching or exceeding the percentage of family-sized units in the surrounding neighborhood, increasing density to accommodate a greater number of affordable units to protected classes, and partnering with nonprofit developers to assist with affordable housing production.

### **Outcome Tracking**

Once a baseline of existing conditions are set, metrics must be developed and tracked to evaluate the effectiveness of interventions and to measure progress.

Example: King County, Washington: [King County, Washington](#) began its equity initiative by creating a baseline of existing conditions with 13 categories with 67 preliminary indicators to answer “how do we know if we are progressing towards a fair and just community”.

### **Developing Community Based Accountability/Compliance Mechanisms**

Example: Boston Fair Housing Development Committee: [Boston](#) has developed a non voting committee to review proposals, AFFH assessments, and develop a plan for ongoing monitoring. This commission makes recommendations to the Planning Development Agency. Committee includes a representative from the following entities: 1. Boston Housing Authority 2. Office of Fair Housing and Equity 3. Department of Neighborhood Development 4. The Mayor’s Commission for Persons with Disabilities 5. Boston Planning and Development Agency

### **Scoring**

Developing a scoring system for racial equity on land use applications can be used to create a threshold for permissible projects and to track projects over time to assess the actual impact compared to the predicted impact of a project.