

How to Use Civil Rights and Environmental Justice Planning Tools for Smart Growth and Equitable Development

Citizen Ingenuity and Impact Assessment

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Medicine and Science

Goals

- How are civil rights and environmental justice tools available in the planning process?
- How are these civil rights and environmental justice issues:
 - Water in Flint?
 - Parks and beaches?
 - Climate justice?
- What does this have to do with the Civil Rights Revolution?
- What's the Pope have to do with it?
- What does all this have to do with smart growth and equitable development?
- Tell a story



We heard from the community. Too many children, especially children of color, don't have access to parks where they can run free, breathe fresh air, experience nature, and learn about their environment.

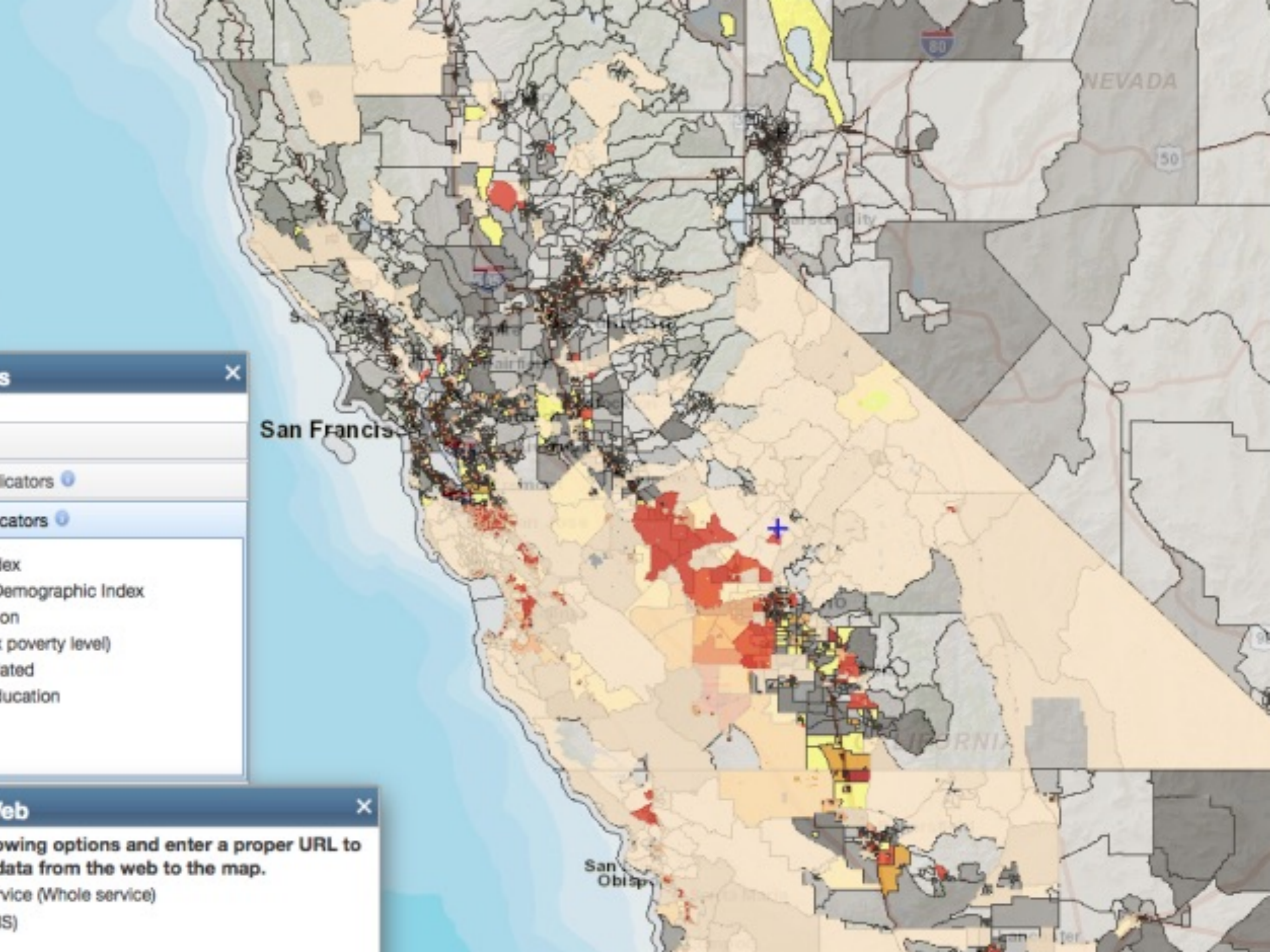
This is an issue of social justice.

Because it's not enough to have this awesome natural wonder within your sight—you have to be able to access it.

President Barack Obama
San Gabriel Mountains
National Monument Dedication
October 2014

My commitment to conservation . . . is about working with communities to open up our glorious heritage to everybody — young and old, black, white, Latino, Asian, Native American — to make sure everybody can experience these incredible gifts.

President Barack Obama
San Gabriel Mountains
National Monument Dedication
October 2014



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Demographic Index
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Following options and enter a proper URL to
data from the web to the map.

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31
Flint, MI
Sample Site: ...
Sample Type (Circle) First Flush Cold
Date: 1/1/11

Human health includes a state of complete physical, mental and social wellbeing, and not merely alleviating chronic diseases including obesity and diabetes. **World Health Organization.**

Social determinants of health: where people live, learn, work, play, pray, and age.

“Discrimination is a root cause of health disparities, and a comprehensive strategy to eliminate disparities must incorporate a strong civil rights component.”

Tom Perez, IOM *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care* (2002)

Secretary of Labor

Assistant Attorney General for Civil Rights US DOJ

Director, Office for Civil Rights, US HHS

CITY OF FLINT

TITLE VI

NON-DISCRIMINATION PLAN

1101 S. Saginaw Street, Rm. 304
Flint, MI 48502

Phone: 810-766-7340

Fax: 810-766-7240

Website: www.cityofflint.com

Title VI Coordinator:

Derrick F. Jones, Purchasing Manager

Phone: 810-766-7340

Fax: 810-766-7240

E-mail: djones@cityofflint.com



Two Legal Frameworks for Reviewing Title VI Claims



- **Disparate Treatment Discrimination**
 - Similarly situated persons treated differently based on their race, color, or national origin
 - Action was, at least in part, based on race, color, or national origin
- **Disparate Impact Discrimination**
 - Policy or practice that is neutral on its face, but has a disproportionate adverse impact on persons of a particular protected class



Civil rights compliance and equity plan in positive terms

Applies to recipients of federal financial assistance

1. What do you plan to do

Beach and park access
Clean healthy water
Climate justice

2. Analyze the burdens and benefits on all people

3. Analyze the alternatives

4. Include people of color and low-income people in the planning process

5. **Implement** a plan to distribute the benefits and burdens fairly and avoid intentional discrimination, and unjustified discriminatory impacts

Title VI of the Civil Rights Act of 1964

War on Poverty



“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

President John F. Kennedy, message to Congress on Title VI of the Civil Rights Act of 1964

**"We do not have to be lawyers to understand,
'Do unto others as you would have them do unto
you'"**

Senator Hubert Humphrey,
Senate Debate on Civil Rights Act of 1964

Environmental Justice Principle



- **Environmental justice embraces the principle that all people and communities are entitled to equal protection of our environmental, health, employment, education, housing, transportation, and civil rights laws**



President's **Executive Order 12898** on Environmental Justice and Health





“Access to safe drinkable water is a basic and universal human right”

– Pope Francis

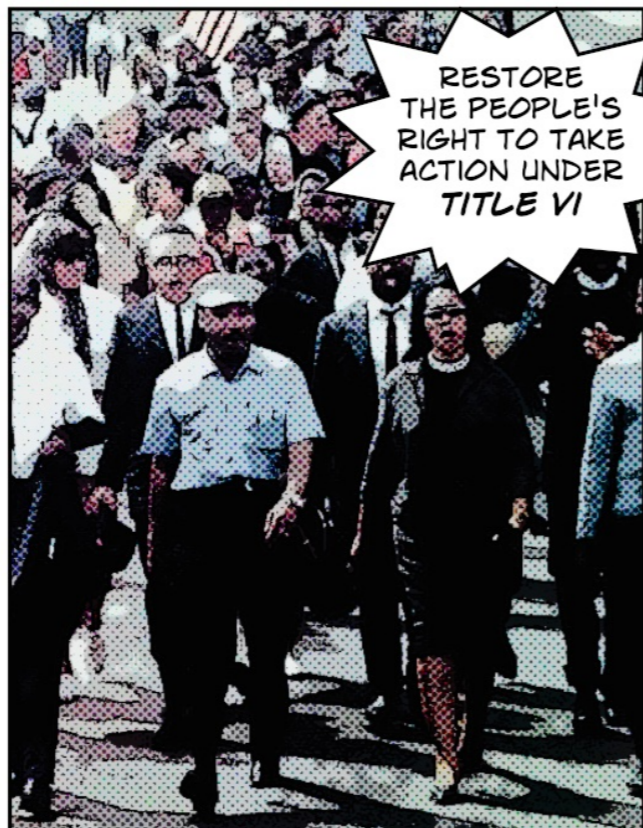
Climate is a civil rights issue, as well as a health, economic, and environmental issue





CELEBRATE THE CIVIL RIGHTS REVOLUTION

STRENGTHEN, DON'T ROLL BACK, CIVIL RIGHTS...

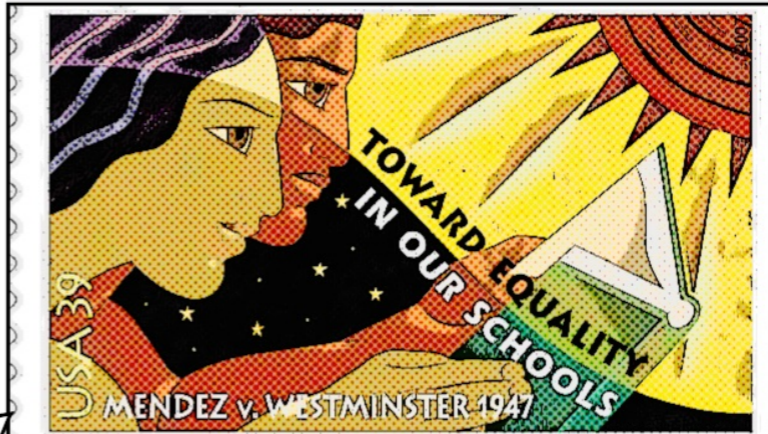


RESTORE
THE PEOPLE'S
RIGHT TO TAKE
ACTION UNDER
TITLE VI

THE SELMA TO MONTGOMERY MARCH
PHOTO TILE IN CIVIL RIGHTS PARK,
LOS ANGELES



THE NAACP LEGAL DEFENSE FUND (LDF) WON
BROWN VS. BOARD OF EDUCATION IN 1954



THE CITY PROJECT FIGHTS
TO UPHOLD PEOPLE'S RIGHTS UNDER
THE CIVIL RIGHTS ACT OF 1964,
THE FAIR HOUSING ACT OF 1968,
THE AFFORDABLE CARE ACT, AND
EXECUTIVE ORDER 12898 ON
ENVIRONMENTAL JUSTICE AND HEALTH...

THE CIVIL RIGHTS REVOLUTION INCLUDES
ATTORNEYS WORKING IN AND OUT OF COURT,
COURAGEOUS JUDICIAL DECISIONS,
GRASS ROOTS ORGANIZING,
LEGISLATION BY CONGRESS AND THE STATES,
PRESIDENTIAL LEADERSHIP,
IMPLEMENTATION BY AGENCIES,
AND THE PEOPLE'S RIGHT TO **VOTE**.



FIGHT
UNJUSTIFIED
DISCRIMINATORY
IMPACTS!

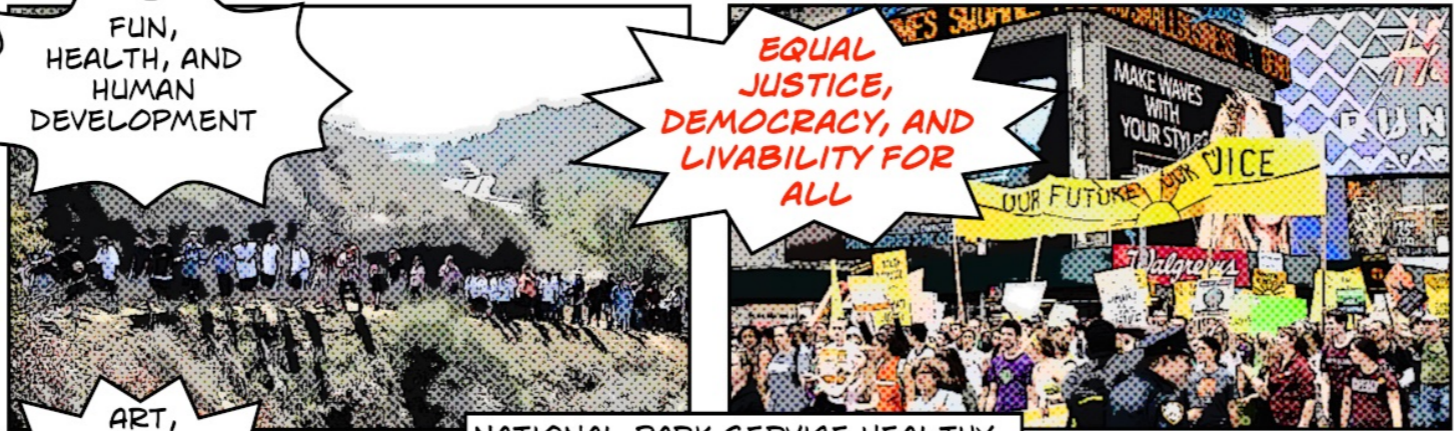
THE STRUGGLE CONTINUES...

THE VALUES AT STAKE

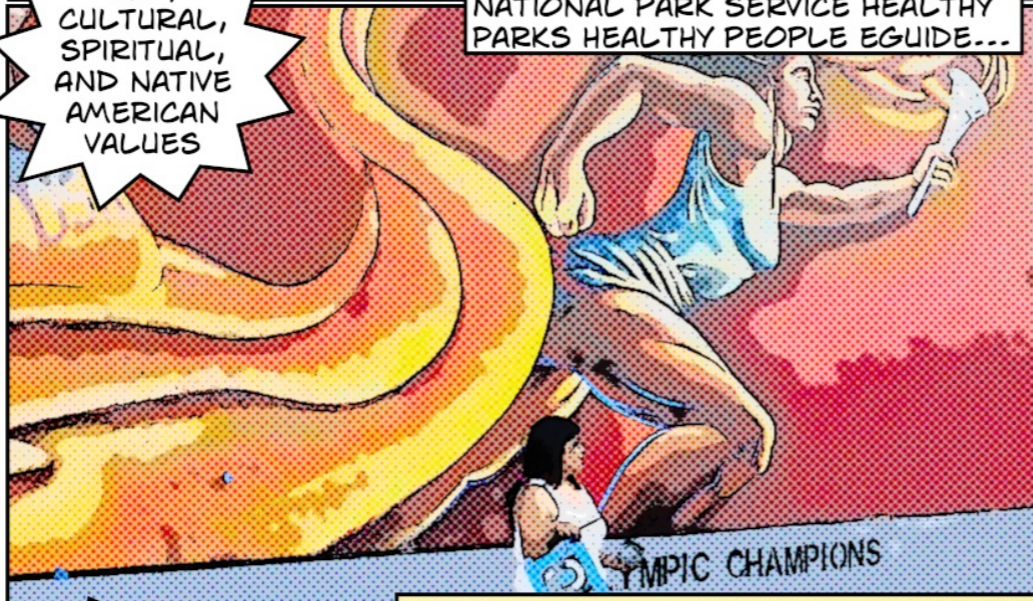
FUN,
HEALTH, AND
HUMAN
DEVELOPMENT

EQUAL
JUSTICE,
DEMOCRACY, AND
LIVABILITY FOR
ALL

ART,
CULTURAL,
SPIRITUAL,
AND NATIVE
AMERICAN
VALUES



NATIONAL PARK SERVICE HEALTHY
PARKS HEALTHY PEOPLE EGUIDE...



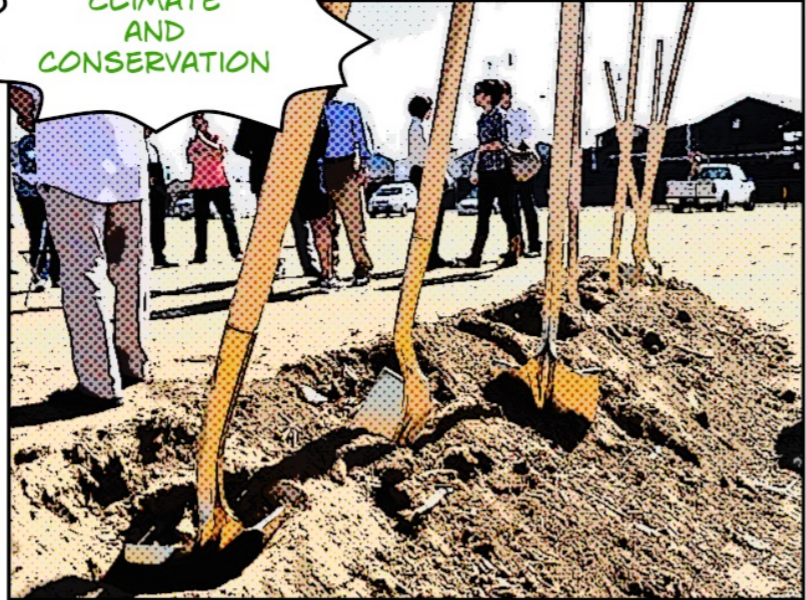
THE GREAT WALL OF LOS ANGELES
IS A PROJECT OF SPARC, A NONPROFIT MULTICULTURAL
ART CENTER. TO MAKE A DONATION OR TO PURCHASE
WALKING TOURS, POST CARDS, SLIDES, T-SHIRTS OR TO
ARRANGE A GUIDED TOUR, CONTACT

SPARC: Creating Sites of Public Memory
685 VENICE BLVD.
VENICE, CA 90231
(310) 522-9967
SPARCVLRALS.ORG

ECONOMIC
VITALITY

CONNECT PEOPLE ON DEEP LEVELS...

CLIMATE
AND
CONSERVATION



CHILDREN WHO ARE PHYSICALLY FIT
TEND TO DO BETTER ACADEMICALLY.
PARKS AND SCHOOL FIELDS CAN
CREATE COMMUNITY AND DRIVE OUT
CRIME...

PARKS AND SCHOOLS CAN CREATE
LOCAL **GREEN** JOBS AND
CONTRACTS FOR DIVERSE
ENTERPRISES, **BUT** WE MUST AVOID
GENTRIFICATION AND DISPLACEMENT
AS COMMUNITIES BECOME GREENER,
MORE DESIRABLE, AND MORE
EXPENSIVE...

THE CITY PROJECT SUPPORTS
CLIMATE JUSTICE AND SAFE, GREEN
RESOURCES ACCESSIBLE TO ALL.

GREAT WALL OF LOS ANGELES © JUDITH BACA + SPARC

Strategies for Success

The City Project works with diverse allies to implement strategies to improve green access for all through: (1) community organizing and coalition building; (2) translating research into policy, law and systemic change; (3) strategic media campaigns, including new social media; and (4) policy and legal advocacy outside the courts. (5) When necessary, we also seek access to justice through the courts.



Using Civil Rights Tools to Address Health Disparities

Michael Rodriguez, MD, MPH; Marc Brenman;
Marianne Engelman Lado, JD; and Robert García, JD



Policy Report
The City Project

2014



Donations are tax deductible!

equity populations practice design quality becoming vulnerable interest policy results stewards skills coming Attendees innovative day
 fostering citizen New public individuals attendees years approaches including thinking difference determined fully dialogue visible
 sustainable environment smart Also developers making creative attention
 growth include fifty proficiency today span attendees builders create social revitalization Equitable invited Instead truly
 Finally Understanding equitable workshop i.e
 economic compelling investment advocates sustainability economy following professionals pragmatic assets life cultural forward-thinking urban vibrant Teach outcomes better expect key
 approach environmental experts ways practitioners must reoccurring possess
 best encouraging planners incorporating solutions groups strategies
 communities improve part encourage like complementary examples Strengthen new
 support align proponents goals leaders series addressing Community
 isn knowledge future collaborative proficient expansive allied Conference justice
 great conversation underserved Improve balance methods hours Smart especially ultimate integrate
 strike relationships experience opportunities groups strategies
 learn discuss balance methods

Don't miss these experts when they visit Portland!



Sessions on Equitable Development / February 11 - 13, 2016

15th Annual New Partners for Smart Growth Conference

Hilton Portland Hotel – Portland, Oregon

<http://newpartners.org/>



Follow the dialogue @EquiDev

Unjustified Discriminatory Impacts Title VI and Regulations

1. Are there numerical disparities?

Data collection and analysis, anecdotal evidence, statistical studies, GIS mapping, demographics

2. Are the disparities justified by business necessity?

3. Are there less discriminatory alternatives to accomplish similar goals?

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Who is covered by Title VI?

Applies to **any recipient of federal funding**

States, cities, private corporations, individuals

Applies to **all programs or activities of recipients**

**No intentional discrimination and no unjustified
discrim requirements based on race, color, or
national origin**

Intentional Discrimination Title VI and Regulations

Circumstantial evidence of intent

1. **Numerical impact** is the starting point for analysis.
2. Is there **a history of discrimination**?
3. Are there departures from **substantive values**?
4. Are there departures from **normal procedures**?
5. Is there a **pattern of discrimination**?
6. Do decision makers **know the harm** they will cause

“The City Project’s work on park access is one of the two leading areas in environmental justice.”

Leslie Fields, Sierra Club

San Gabriel Watershed and Mountains Special Resource Study

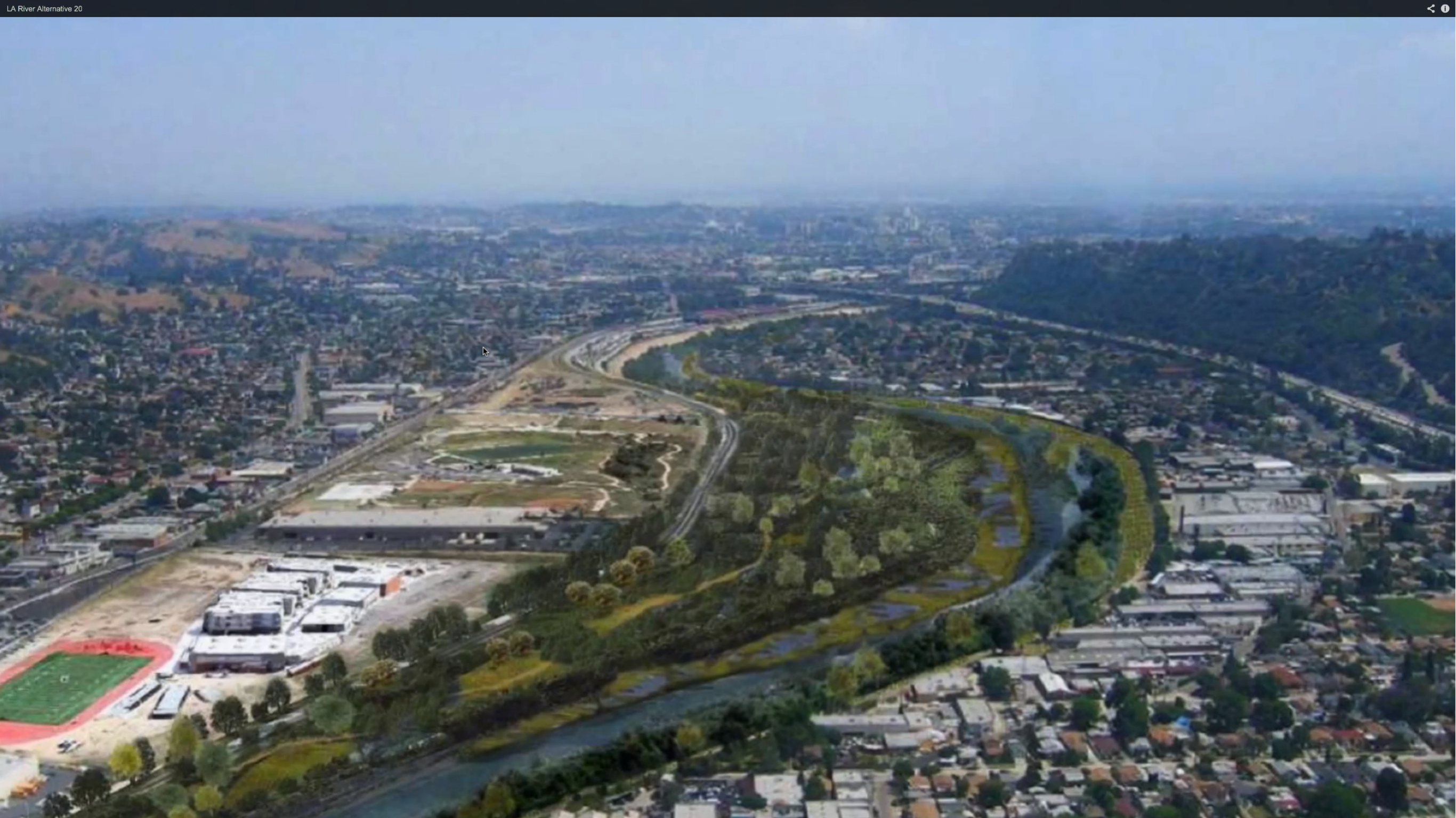
National Park Service
U.S. Department of the Interior



Draft Special Resource Study & Environmental
Assessment Report Available for Review

Newsletter #5
September 2011

L.A. River Army Corps of Engineers Best Practice



How are parks a civil rights and environmental issue?

Los Angeles State Historic Park Best Practice

HUD Secretary Andrew Cuomo

Heroic victory and symbol of hope for people, planning, and parks



Environmental justice and health leaders call for

1. greater diversity in mainstream environmental organizations Green 2.0
2. **diversifying funding** for people of color NGOs, and
3. **compliance with civil rights requirements by mainstream environmental organizations**

www.cityprojectca.org/blog/archives/36235

Structural obstacles to fund environmental and health justice

The more committed to the environment, the less likely a foundation will fund social justice

25% should be invested in social justice and communities of the future; draw on lessons from Civil Rights Movement

Public and nonprofit expenditures are most strongly associated with race and ethnicity. Black and Latino communities suffer from lower expenditure levels by both

How can federal agencies ensure compliance with Title VI?

Collect, analyze, and publish data on park and health disparities

Teaching materials

Funding requirements

Planning

Regulations and guidance

Complaint investigations

Require civil rights analysis if evidence of disparities

Justice Department access to justice through courts

How is Title VI enforced by the people?

Recipients of federal funding compliance analysis and plan

Collect, analyze, publish data on park and health disparities

Take part in funding, planning, public comment process

Administrative complaints

Access to justice through the courts

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