

A BILL

23-38

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To establish an Office of Racial Equity to coordinate the District’s efforts to achieving racial equity; to amend Chapter 3 of Title 47 of the District of Columbia Official Code to require the Office to collaborate with the Mayor to design and implement a racial equity tool to aid in eliminating racial disparities among District employees and to require the Mayor, beginning in Fiscal Year 2021, to include racial equity-related performance measures in the development of an agency’s annual performance plans and an evaluation of the use of the racial equity tool in the annual performance accountability reports, and require the office to establish an advisory entity to advise the office and to serve as a liaison to the public; to amend the Office of Human Rights Establishment Act of 1999 to require the Office of Human Rights and the Department of Human Resources to develop and provide racial equity training for District employees and boards and commissions; to state the sense of the Council that it should establish an Office of Racial Equity; and to establish a Commission on Racial Equity to advise the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

act may be cited as the “Racial Equity Achieves Results (REACH) Amendment Act of 2020”.

Sec. 2. For the purposes of this Act, the term “Racial Equity” means the elimination of racial disparities such that race no longer predicts opportunities, outcomes or the distribution of resources for residents of the District, particularly for persons of color and Black residents.

Sec. 3. Establishment of the Office of Racial Equity.

(a) There is established an Office of Racial Equity within the Office of the City Administrator. The purpose of the Office shall be to coordinate the District’s efforts toward achieving racial equity.

33 (b)(1) The Office shall be headed by a Chief Equity Officer, who shall be appointed by
34 the Mayor with the advice and consent of the Council pursuant to section 2(a) of the
35 Confirmation Act of 1978, effective March 3,1979 (D.C. Law 2-142; D.C. Official Code § 1-
36 523.01(a)).

37 (2) The Chief Equity Officer shall be a fulltime position, for which annual
38 compensation shall be fixed in accordance with Title X-A of the District of Columbia
39 Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law
40 12-124: D.C. Official Code § 1- 610.51 *et seq.*).

41 (c) The Office shall:

42 (1) Develop, provide oversight of, and advance the District’s goals of achieving
43 racial equity;

44 (2) Coordinate with the Office of Human Rights to produce racial equity training
45 materials to be distributed to all agencies of the District government;

46 (3) Coordinate with Executive agencies in development of annual metrics and the
47 development of a Racial Equity Action Plan or plans pursuant to subsection (d) of this section;

48 (4) Work with District agencies to promote inter-agency collaboration, problem-
49 solving, and cooperation relating to achieving racial equity;

50 (5) Advise the Council, the Mayor, and District agencies about racial equity in the
51 District, and recommend policies, programs, or regulations necessary to achieve racial equity;

52 (6) Develop and distribute information about racial equity, social justice, and
53 economic inclusion;

54 (7) Promote educational activities that increase the understanding of racial equity;

55 (8) Analyze the feasibility of expanding the Racial Equity Action Plan to include:

56 (A) The District’s contracting and procurement process;

57 (B) The District’s hiring and promotion process; and

58 (C) The development of effective systems to capture, coordinate, and
59 share racial equity data across agencies.

60 (d)(1) By October 1, 2022, and annually thereafter, the Chief Equity Officer shall submit
61 a multi-year Racial Equity Action Plan (“the Plan”) to the Mayor and the Council.

62 (2) The Plan shall be a formalized accountability plan, including specific
63 timelines, to be used by each District agency to advance racial equity in the performance of its
64 duties.

65 (3)(A) The Office shall hold a series of public engagement forums during
66 formulation and updating of the Plan to obtain public and expert input on the contents of the
67 plan, including priorities for increasing racial equity in the District. The Office shall provide at
68 least 15 days written notice in the District of Columbia Register of any such forum.

69 (B) Each public engagement forum shall be held at an accessible evening
70 or weekend time and in an accessible location to maximize public participation.

71 (4) The Office shall take into consideration any comments submitted by the Board
72 established pursuant to subsection (d).

73 (5) By October 1 and annually thereafter, the Office shall include in the Plan a
74 report to the Mayor and Council on the Office’s efforts to coordinate actions, goals, and District-
75 wide investments within the executive branch to further racial equity and provide a summary of
76 the programs and activities of the Office and an evaluation of the District’s efforts to achieve
77 racial equity.

78 (e) The Office shall accept public comment on any aspect of its functions and on any
79 policy or proposed policy of the District government relating to racial equity.

80 (f)(1) The Office shall establish a Racial Equity Advisory Board consisting of 9
81 community members to provide to the Office ongoing input on racial equity in the District and
82 serve as a liaison between the Office and the public. The Board shall meet not less than
83 quarterly and shall keep minutes of its meetings that shall be made publicly available, upon
84 request.

85 (2) Members shall be District residents and appointed by the Mayor with the
86 advice and consent of the Council pursuant to section 2(f) of the Confirmation Act of 1978,
87 effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code 1-523.01(f)), with due
88 consideration from established public, nonprofit, and volunteer community organizations,
89 community leaders, academic institutions, and other individuals who have shown dedication and
90 knowledge of advancing racial equity or social justice.

91 (3) A member appointed pursuant to paragraph (2) of this subsection shall serve a
92 term of 2 years. A member may be reappointed but shall not serve more than 3 consecutive
93 terms.

94 (4) Individual members may be compensated for reasonable expenses incurred in
95 the performance of their official duties.

96 Sec. 4. The Office of Human Rights Establishment Act of 1999, effective October 20,
97 1999 (D.C. Law 13-308; D.C. Official Code § 2-1411.01 *et seq.*), is amended as follows:

98 (a) A new section 206b is added to read as follows:

99 “Sec. 206b. Racial equity training.

100 “(a) The Office, in coordination with the Department of Human Resources (“DCHR”)
101 and the Office of Racial Equity, shall provide, on an on-going basis, racial equity training for all
102 District government employees and members of the District’s boards and commissions. The
103 training shall include:

104 “(1) Racial equity workshops for District employees at the management level.

105 “(2) A training series for District employees that equips personnel to better
106 identify and address issues of racial equity.

107 “(3) Online and in-person racial equity and inclusion courses that focus on the
108 meaning of diversity, the benefits of a diverse workforce, and barriers that prevent a racially
109 inclusive workforce environment.

110 “(b) For the purposes of this section, the term “racial equity” means the elimination of
111 racial disparities such that race no longer predicts opportunities and outcomes for residents of the
112 District, particularly for persons of color and Black residents.

113 Sec. 5. Racial equity tool.

114 Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

115 (a) Section 47-308.01 is amended by to read as follows:

116 (1) Paragraph 3A is redesignated as 3B.

117 (2) Paragraph 3B is redesignated as 3C.

118 (3) Paragraph 3C is redesignated as 3D.

119 (4) A new paragraph (3A) is added to read as follows:

120 “(3A) “Racial Equity” means the elimination of racial disparities such that race no longer
121 predicts opportunities, outcomes or the distribution of resources for residents of the District,
122 particularly for persons of color and Black residents.”.

123 (b) Section 47-308.01 is amended by adding a new subsection (h) to read as follows:

124 “(h)(1) By March 1, 2021, in coordination with the Office of the City Administrator, the
125 Office of Racial Equity, established by section 3 of the Racial Equity Achieves Results
126 Amendment Act of 2020, as approved by the Committee of the Whole on October 6, 2020
127 (Committee print of Bill 23-38), shall design and implement racial equity tools to enable District
128 agencies to incorporate racial equity into their operations, performance-based budgets, programs,

129 policies, rules, and regulations, and to ensure alignment between departmental and District-wide
130 programs and initiatives.

131 “(2) At a minimum, the Mayor shall use the racial equity tools to:

132 “(A) Identify clear strategic initiatives, objectives, and measurable
133 outcomes;

134 “(B) Develop metrics to measure progress in redressing disparate social
135 and economic outcomes in the District based on race, sex, and ethnicity;

136 “(C) Track and measure how programmatic and policy decisions benefit or
137 burden individuals based on race, sex, or ethnicity;

138 “(D) Examine potential unintended consequences of a policy or
139 programmatic decision and develop a strategy to advance racial equity and mitigate unintended
140 negative consequences; and

141 “(E) Evaluate the efficacy of District agencies’ strategic initiatives and
142 programs aimed at reducing disparate outcomes.

143 “(3) Beginning in 2021 for Fiscal Year 2022, and every year thereafter, the
144 Mayor’s budget submission package to the Council shall include a summary of how the proposed
145 budget advances racial equity in the District, reduces disparate outcomes, and allocates resources
146 to support equitable outcomes.”.

147 (c) Section 47-308.02 is amended by adding a new subsection (g) to read as follows:

148 “(g) Beginning no later than Fiscal Year 2022, and for each subsequent fiscal year, the
149 Mayor shall establish at least one performance measure related to an agency’s progress toward
150 achieving racial equity.”.

151 (d) Section 47-308.03(c)(1) is amended by striking the phrase “agency’s performance on
152 its activities for” and inserting the phrase “agency’s performance on its activities, including those
153 relating to achieving racial equity, for” in its place.

154 Sec. 6. Legislative actions.

155 (a)(1) There is established a Council Commission on Racial Equity, Social Justice, and
156 Economic Inclusion to advise the Council of the District of Columbia on matters of racial equity,
157 social justice, and economic inclusion.

158 (2) The Commission shall consist of 5 members all appointed by the Chairman of
159 the Council and who may be residents of the District of Columbia.

160 (3) Members of the Commission shall have the following qualifications:

161 (A) Knowledge of core racial equity concepts including power and
162 privilege, implicit bias, and structural or institutional racism;

163 (B) Extensive experience working with communities of color; and

164 (C) Demonstrated experience bringing a racial equity lens to their work,
165 with a focus on identifying and overcoming or mitigating barriers to racial equity.

166 (4) The Commission shall examine issues of racial equity in governance in the
167 District in its deliberations, identify best practices in other jurisdictions, and may undertake such

168 other endeavors related to racial equity as it determines necessary to advise the Council. The
169 Commission may also work with the Council’s Racial Equity Office.

170 (5) The Council shall provide administrative support to the Committee and may
171 provide other resources as necessary as determined by the Council.

172 (6) The Commission shall not engage in any lobbying of the Council.

173 (b) It is the sense of the Council that for Council Period 24, the Council should include in
174 its rules the establishment of a Racial Equity Program to produce racial equity training materials,
175 provide ongoing racial equity training for Council staff, and include a protocol for conducting
176 Racial Equity Impact Assessments on legislation.

177 Sec.7. Fiscal impact statement.

178 The Council adopts the fiscal impact statement in the committee report as the fiscal
179 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
180 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

181 Sec. 8. Effective date.

182 This act shall take effect following approval by the Mayor (or in the event of veto by the
183 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
184 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
185 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
186 Columbia Register.