



Action. Access. Progress.

December 4, 2019

Dear Council:

My name is Ebony Griffin and I am a staff attorney at the Public Interest Law Center focusing on environmental justice and the Law Center's Garden Justice Legal Initiative.

In our environmental work, the Law Center uses a variety of methods to ensure that Philadelphia's most vulnerable residents have access to a healthy natural and built environment, but also that they have a seat at the table and a voice in what happens in their neighborhoods. One way that we accomplish this is by providing pro bono legal representation to community groups and Registered Community Organizations (RCOs) in negotiating meaningful Community Benefits Agreements (CBAs) with developers.

A meaningful CBA is a powerful tool in staving off the negative impacts of gentrification and ensuring that developers invest in the neighborhoods they profit from. The Law Center applauds you for proposing legislation requiring that developers negotiate CBAs. However, for these CBAs to make a difference and address economic disparity in low income and communities of color, there is a lot more work to do. This Bill must require that CBAs feature the impacted community and include meaningful benefits. The Law Center has experience negotiating CBAs on behalf of historically disinvested communities to ensure that those most impacted are actively involved in decisions impacting their neighborhoods. We also work hard to ensure that the resulting benefits are valuable to those most impacted. We have learned from these experiences and would appreciate the opportunity to help craft legislation that accomplishes the goals you have identified in an inclusive and community centered way. Below we offer some guidance on key components of a meaningful CBA and hope to interface with you to develop a comprehensive Bill.

GUIDING PRINCIPLES

The Community Benefits Law Center¹ defines CBAs as “complex, multi-party contracts executed by several community-based organizations and one or more developers, including developers’ commitments to provide a range of community benefits related to a proposed development project, and usually containing the community-based organizations’ commitment to support approval of the project.”² CBAs can have a negative connotation due to the prevalence of superficial packages (often referred to as “bats and jerseys” packages or “pay to

¹ The Community Benefits Law Center is a project of the Partnership for Working Families, based in Oakland, California. The CBLC provides legal assistance to communities to transform local economies.

² <https://www.forworkingfamilies.org/cblc/cba>

pollute” packages) lacking a transparent negotiation process and often not featuring the impacted community.

A meaningful CBA has the power to revitalize economic development, and address job insecurity, housing insecurity, and educational gaps in historically disinvested communities, among other benefits. However, for a CBA to be meaningful, it must abide by the following guiding principles:

1. Represent the interests of those most impacted;
2. Follow an inclusive and transparent process;
3. Include meaningful benefits representative of communities’ needs;
4. Include defined measurable benefits; and
5. Include accountability safeguards.

Determining those most impacted and ensuring they have a seat at the table is the first step and arguably the most difficult and important in crafting a meaningful CBA. To be effective, any Bill must clearly define and require an equitable process for making these initial determinations. We have worked in communities with clear organizational structure and respected leadership. However, we have also worked in communities with no apparent leadership or prominent community organizations representing the general community need. In those instances, hosting a series of community meetings and information sessions to identify community priorities and persons interested in taking on a leadership role in the negotiations is critical to determining who should be at the table. These community meetings must be accessible and transparent, meaning widely advertised, held at a variety of times to ensure those with non-traditional work schedules have an opportunity to participate, translated, and held at facilities with access for persons with disabilities. Coalition building, or merging pre-existing groups into one body for a specific purpose, is another option for neighborhoods with multiple community organizations with different focuses.

Additionally, to ensure CBAs meaningfully address community needs, any legislation should anticipate and prevent “bats and jerseys” type CBAs. One way to do so is to require a minimum community contribution by the developer based on a certain percentage of the project budget. In addition, the CBA should address issues of common concern for the impacted community but also anticipate potential adverse impacts of the project and include benefits to address those negative consequences. For example, a Bill could require addition of an affordable housing component on any multi family unit development. Another option would be to require the addition of greenspace in areas without easy access to parks or safe outdoor space. Similarly, a Bill could require job training or priority hiring in neighborhoods with high rates of unemployment.

The Law Center looks forward to continuing the conversation around creating legislation for ensuring historically disinvested communities have a voice in what happens in their neighborhoods. This Bill is a start to amplifying that community voice. However, this Bill must incorporate strategies and safeguards to ensure the process is equitable and the CBAs are meaningful if the Bill is to achieve its stated purposes. We hope to have the opportunity to work through that process with you. Thank you for listening.

Respectfully,
Ebony H. Griffin, Esq.