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MARCH
4 & 5, 12, 19, 25 & 26



RMLUI 2021
WESTERN PLACES | WESTERN SPACES

The Ethics of Equity



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The Ethics of Equity

ROCKY MOUNTAIN LAND USE
INSTITUTE

MARCH 4, 2021



Mary Kay Peck, FAICP



Susan Wood, FAICP

Presenters

DISCLAIMER

This session has been created to provide general education regarding the AICP Code of Ethics. Although ethical scenarios and question-and-answer sessions are an important part of illustrating the application of the Code's provisions, all certified planners should be aware that only the AICP Ethics Committee is authorized to give formal advice on the propriety of a planner's proposed conduct. If you have a question regarding a situation in your own professional practice, you are encouraged to seek informal advice from the AICP Ethics Officer (ph: 312-786-6360; email: ethics@planning.org).

Code of Ethics



**Aspirational
Principles**



Responsibility to the
public,
clients/employees, and
profession/colleagues



Rules of Conduct

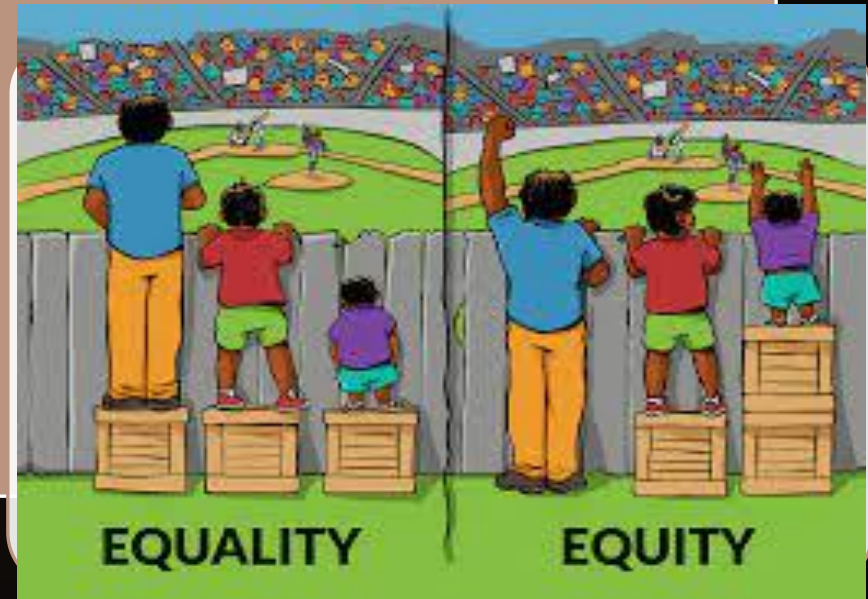


Twenty-six rules to
which AICP members
are held accountable

EQUITY

Equity is defined as “just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. Unlocking the promise of the nation by unleashing the promise in us all.”

Source: APA Planning for Equity Policy Guide





Equity in Practice?

Have you incorporated equity into any aspects of your planning program?

1. Yes
2. No

Equity Applications

Where have you incorporated equity?

1. Comprehensive Plan
2. Zoning ordinance
3. Specialty plans such as transportation, open space, parks
4. Neighborhood plans
5. Equity audit
6. Other

Principles to Which We Aspire

1. Our overall responsibility to the Public

F) We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.

Question: Are there other Code areas that are applicable?



Link Between Equity and Ethics

- To be conscious of the *rights of others*
- To provide clear information to *all affected persons*
- To have *broad enough participation (including those who lack formal organization or influence)* to give people an opportunity for meaningful impact on plans and programs
- To expand choice and opportunity for *all persons including a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration...and to urge the alteration of policies, institutions, and decisions that oppose such needs*
- To deal fairly with *all participants* in the planning process...and to deal evenhandedly with all planning process participants

.

Attributes of Inequity

Disproportionality: Plan or project outcomes that create or amplify disparities in part of a community while others receive full benefit of the effect

Institutionalized: Systemic practices and policies, imbedded in our methodologies, that ignore disproportionate impacts and fail to send adequate support to affected areas and residents



Ensure that the principles of equity are at the core of all planning policies



Practice planning with an Equity in All Policies and an Equity in All Practices approach



Consider the impacts and benefits of proposed developments or plans on all members of an affected community – study the full range of effects

The Equity Lens

Planners and planning played a role in creating and perpetuating discriminatory practices and inequities, including:

Racial zoning ordinances

Redlining and covenants

Exclusionary low-interest mortgage programs (FHA)

Limitations on multi-family dwellings, affordable housing, group homes, and housing for underserved people

Legacy of these policies still contribute to difficulty for marginalized groups to gain a foothold in the economic mainstream.

Historic Context

Common Areas of Equity Issues

Exclusionary Zoning – Replace this with inclusionary zoning that includes housing types and affordable options that invite a wide-range of community members

Economic Development/Redevelopment – An equity lens is essential to ensuring that community members do not unfairly bear unwanted impacts of redevelopment; all should benefit

Gentrification – Investing in areas in and of itself is not bad; result should benefit all and not result in displacement

Marginalization – Consider areas or communities where investment has not kept pace; areas of disinvestment become ripe for gentrification, but the original residents may not benefit

Distribution of Uses – Plan with community needs in mind; including, among others, mobility and access to jobs, education, healthcare, and healthy foods



Cross-Cutting Equity Issues

Gentrification

- Gentrification is not synonymous with development
- Revitalization without an equity lens can result in negative impacts such as displacement

Environmental Justice

- Refers to “the fair treatment of people of all races, cultures, and incomes with respect to development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” EPA

Community Engagement and Empowerment

- Public participation and meaningful outreach to all is needed to give a voice to all people and a role in decision-making.
- Need to broaden outreach strategies to ensure that renters, lower income households, people who are homeless, and people of color have a voice.

Scenario One: Window Dressing Minority Contracting

The Setting

You are managing a public project with 10% set aside for women and minorities

Female subcontractor complains to you that she isn't doing any work

Planning Director advises that you will be seen as undercutting the City's social objectives if you complain

Prime contractor tells you all is good

Contractor got extra evaluation points for including woman

Source: Everyday Ethics for Practicing Planners, Carol D. Barrett, FAICP 2001

Scenario One: Ethical Issues

- Code urges fair treatment of colleagues' professional views
- Need to respect professional views of prime contractor, subcontractor, and Planning Director
- Taxpayer funded project should conform with contract requirements



Scenario One: Action Alternatives

1. Do nothing
2. Request work items from the subcontractor
3. Put your concerns in writing and send to the Planning Director
4. Keep a low profile
5. Other

What Code sections apply?

Scenario One: Applicable Code Citations

- A1. Serve the public interest
- A3. Improve knowledge and techniques
Professional views of colleagues
- A3c. Review of work must be fair, considerate,
professional and equitable
- A3g. Increase opportunities woman and
minorities



Applying the Equity Lens: 2001 vs. 2021

WHAT HAS CHANGED
SINCE 2001 IN TERMS OF
HOW TO VIEW AND REPLY
TO THIS SCENARIO?

Scenario Two: Being Responsive to Hispanic Community Values

The Setting

- You are a consulting planner engaged by the town of Waitaminute
- City population is 45% Hispanic; City Council, Mayor and City Manager are non-Hispanic
- Your job: Reduce future densities in older neighborhood through zoning
- Neighborhood is largely Hispanic
- Residents claim proposals are discriminatory

Source: Everyday Ethics for Practicing Planners, Carol D. Barrett, FAICP 2001

Scenario Two: Ethical Issues

- Conflict between interests of your employer and the Hispanic community
- Balance loyalty to employer and serving needs of disadvantaged

Scenario Two: Action Alternatives

1. Develop acceptable alternatives
2. Meet with City Manager and Planning Director to discuss concerns
3. Meet with Mayor and Council
4. Terminate your contract
5. Other

What Code citations apply?

Scenario Two: Applicable Code Citations

- A1e: Meaningful impact
- A1f: Expand choice and opportunity
- A2: Faithful service to the public interest
- A2a: Exercise professional judgement
- A2b: Accept client decisions
- B15: Accept work within competence



Applying the Equity Lens: 2001 vs. 2021

WHAT HAS CHANGED SINCE 2001 IN TERMS OF HOW TO VIEW AND REPLY TO THIS SCENARIO?

Scenario Three: Street Vendors vs. Corporate America



- The Setting

- As planning director for a city with a significant immigrant population, you are staffing a mayoral task force on vending
- Findings from initial meeting
 - Vending is a traditional toehold on the economic ladder, helps those unable to find traditional jobs and celebrates ethnic diversity
 - Vending is illegal, enforcement is low on police enforcement priorities and it competes with established businesses
 - If legalized, health department would regulate food sales
 - Some taxpayers find street vending distasteful

Source: Everyday Ethics for Practicing Planners, Carol D. Barrett, FAICP 2001

Ethical Issues

- HOW TO BALANCE THE NEEDS OF ALL RESIDENTS WHEN THE STATUS QUO WORKS TO THE DISADVANTAGE OF NEW RESIDENTS
- SHOULD NEEDS OF NEW RESIDENTS TAKE PRECEDENCE OVER DESIRE FOR NEAT AND ORDERLY STREETS AND SIDEWALKS



Action Alternatives



Only apply restrictions
to protect public
health and safety



Compromise by
limiting street vending
to designated areas



Survey the task force
to determine their
collective values



Other

Code Citations

- A1. Serve the public interest
- A1b. Long range consequences
- A1c. Interrelatedness of decisions
- A1d. Provide full, clear and accurate information
- A1e. Meaningful input
- A1f. Plan for the needs of disadvantaged persons
- A1g. Excellence of environmental design
- A3e. Don't accept customary solutions
- A3g. Accept rights of others and don't discriminate
- A3i. Analyze ethical issues
- A3j. Contribute time and effort to groups lacking resources



Applying the Equity Lens 2001 vs. 2021

WHAT HAS CHANGED SINCE 2001 IN TERMS OF HOW TO VIEW AND
REPLY TO THIS SCENARIO?

Scenario Four: Grocery Store Market Analysis

The Setting

- As a consultant you are hired to analyze potential for a grocery store in a low-income community
- Existing small liquor/convenience store
- Possible federal grant for shopping center with grocery store
- Client says build a case for the grocery store

Source: Everyday Ethics for Practicing Planners, Carol D. Barrett, FAICP 2001



Ethical Issues

- Consultant POV: Act independently and provide complete information
- Planning Director POV: Expand choice and opportunity, especially for disadvantaged

Action Alternatives



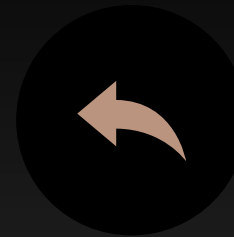
CONDUCT ANALYSIS
AND LET THE CHIPS
FALL



PRESENT
PROJECTIONS BASED
ON VARIOUS
ASSUMPTIONS



CONCUR WITH
PLANNING DIRECTOR
AND ADJUST
NUMBERS



RESIGN FROM THE
PROJECT



OTHER

Code Citations

A1d. Provide full,
clear and
accurate
information

A1f. Expand
choice and
opportunity

A2a. Exercise
independent
professional
judgement

A2b. Accept the
decisions of a
client



Applying the Equity Lens: 2001 vs 2021

WHAT HAS CHANGED SINCE 2001
IN TERMS OF HOW TO VIEW AND
REPLY TO THIS SCENARIO?

Scenario Five: The Setting

Bottomland, USA – pop. 50,000

Stagnant growth, growing north; south deteriorating

North: Amenities and new High School

South: No new investments

South: Received application for new UPS hub proposed on school property (closed) and playing fields

Impacts adjacent, low-income residential areas
(environmental, traffic impacts; threat of displacement and property loss)

Potential property loss for required road improvements

Steven, AICP is the staff planner, wants to do the right thing, but is unsure steps to take

Scenario Five: The Issues

Historic disinvestment in area

Economic Development v. neighborhood impacts

Potential noxious impacts to neighborhood
(noise, dust, emissions, etc)

Potential for “takings” for roadway

Loss of public land for private development

Potential gentrification; rise in property values;
displacement

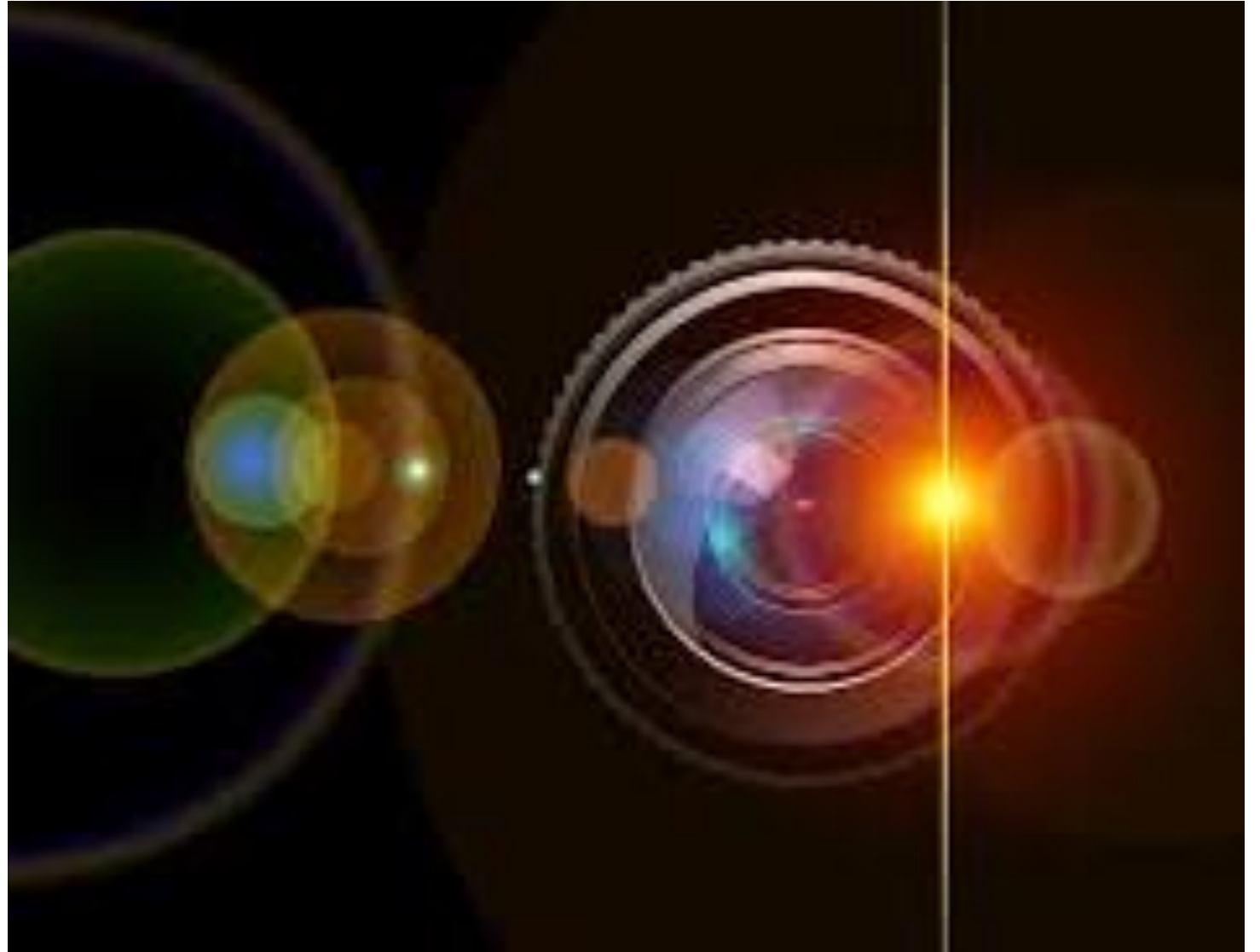
Question: How to address potential inequities?

Scenario Five: Process

1. Conduct meaningful community engagement
2. Employ principles of Environmental Justice (fairness)
3. Take measures to address negative impacts, gentrification



Applying the Equity Lens



Ways to Address Potential Inequities

1. Ensure potential negative environmental impacts addressed
2. Base recommendations on community input
3. Locate and design road improvements to mitigate impact
4. Advise use of public dollars gained from public land sale to directly benefit neighborhood
5. Other?

Actions to take

1. Recommend approval if negative impacts addressed
2. Recommend denial if equity issues were not addressed

Scenario Five: Applicable Code Citations

- A1. Overall service to the public interest
- A1f. Seek social justice

Equity Resources

APA Equity Resources

<https://www.planning.org/resources/equity/>

Planning for Equity Policy Guide, 2019

<https://www.planning.org/publications/document/9178541/>

APA's Knowledgebase Collection – Social Equity

<https://www.planning.org/knowledgebase/equity/>

