

Racial Equity Impact Assessment (REIA) Laws: Trends, Lessons Learned, and Future Directions

Julie Ralston Aoki, JD, Public Health Law Center

Sara Rogers, MPH, Network for Public Health Law

Daina Strub Kabitz, MPH, JD Candidate, Public Health Law Center, Mitchell Hamline School of Law

Faith Jackson, JD, City of Bloomington, MN

Dawn Hunter, JD, MPH, Network for Public Health Law

Law as a Determinant of Health

The law operates as a determinant by establishing the framework that we operate in – where we live, work, play, pray, and learn.

- As a set of commands, requirements, or prohibitions on action.
- As processes and procedures for making decisions, creating new laws, and interpreting existing laws.
- As a set of norms and expectations that can influence behavior, even in the absence of a command, prohibition, or requirement.
- As individual rights and obligations.



Using an Equity Lens

“Strategically, intentionally and holistically examining the impact of an issue, policy or proposed solution on underserved and historically marginalized communities and population subgroups.”

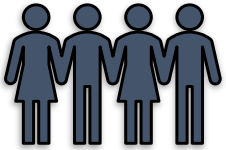
M.D. Douglas et al., (2019), **Applying a Health Equity Lens to Evaluate and Inform Policy**, *Ethn. Dis.* 29(Suppl 2): 329-342.

- Considering process, outcomes, and values
- Guided by a set of reflective questions that can lead to a different set of actions

Equity Lens – Common Questions



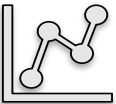
Who is in the discussion and at the decision-making table?



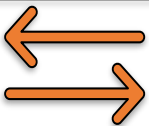
Who is impacted by the decision, and how will they be affected? Who benefits? Who is harmed?



What do the data tell us and what data are missing?



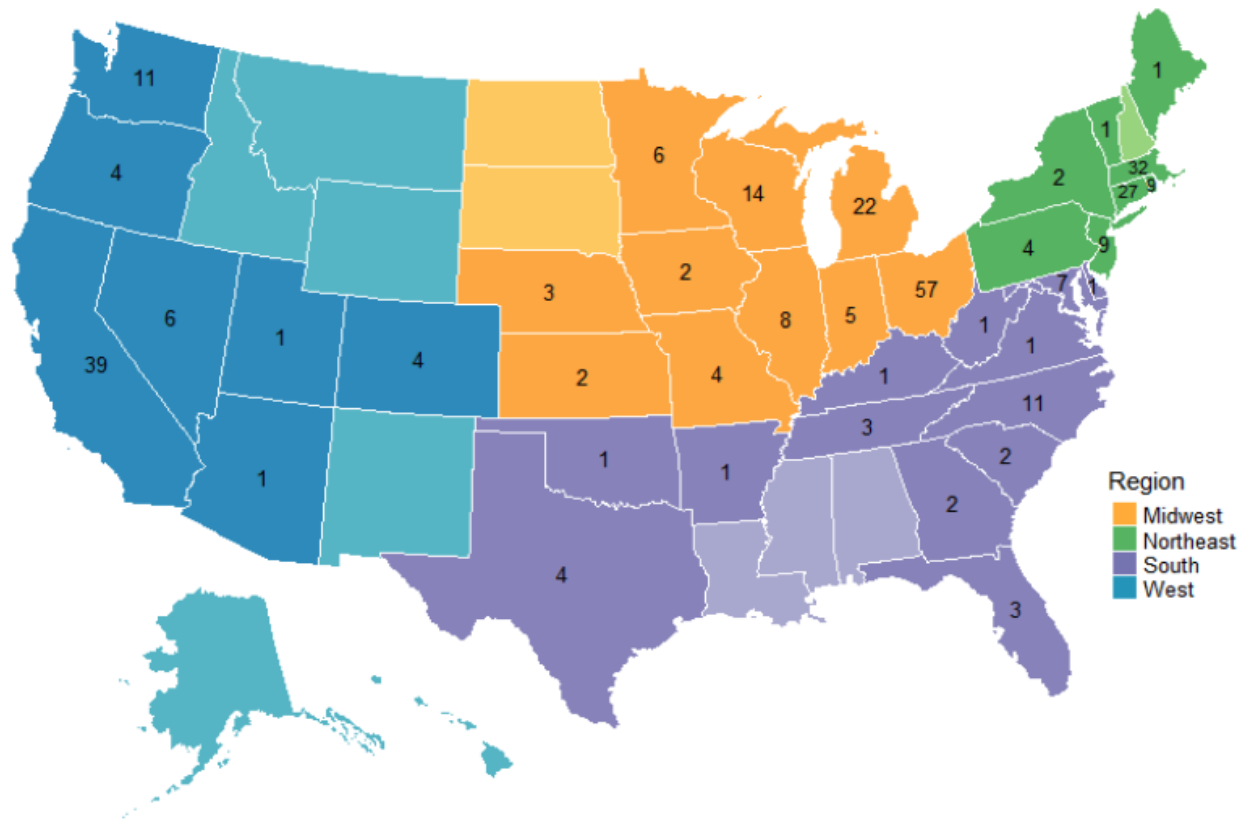
Will this worsen or ignore existing disparities, or does it close gaps?



Based on these questions, what can be done differently?

Racism as a Public Health Crisis

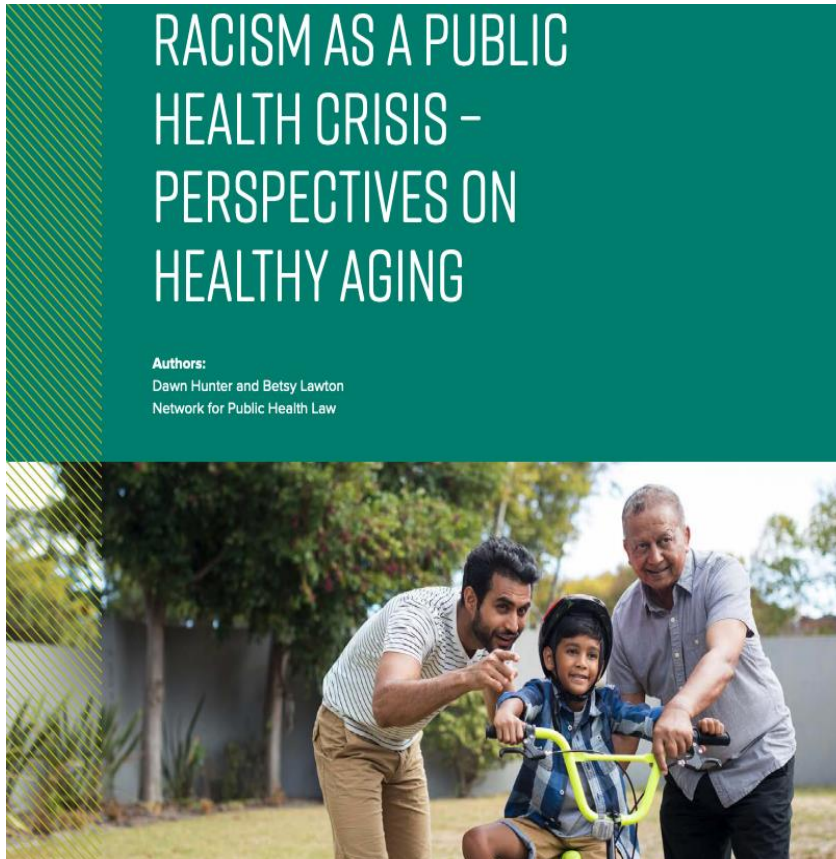
Map of localities responding to racism as a public health crisis, by state and region (Dec. 2021)



Taking a **public health approach** means recognizing that it affects large numbers of people over time, and requires policy and system change over individual interventions

Crystal N. Lewis, Ruqaiyah Yearby, Charysse Gibson, Abby R. Jaeger, and Maya T. Lawson. (August 2022). ***Racism is a Public Health Crisis: How Local Governments are Responding.*** Institute for Healing Justice and Equity.

Analysis through a Healthy Aging Lens



Includes a review of:

- More than 200 declarations
- State legislative trends
- COVID-19 Health Equity Task Forces

Three common threads across declaration preamble statements

Racism affects lifelong health outcomes even before birth and across every stage of life.

Racism significantly reduces life expectancy and increases premature mortality.

Unequal access to opportunity affects economic stability, homeownership, and intergenerational wealth accumulation.

Lesson: acknowledge history and how we got here.

Hunter, D. and Lawton, B. (April 2022). Racism as a Public Health Crisis — Perspectives on Healthy Aging. The Network for Public Health Law.

You Made a Commitment – Now What?



-  Community-integrating policies and procedures
-  Equity framework for whole enterprise
-  Workforce capacity building
-  Laws and policies (evaluate, revise, enact)
-  Data gathering & public reporting on racial equity
-  A body, commission, council, working group, etc.
-  Interventions specific to determinants of health

Example: St. Petersburg, FL

Community Benefits Agreement

- Approved July 22, 2021
- Resolution: Community Benefits Advisory Committee
- Ordinances: Creating the Program and establishing a Fund

City Charter Review Commission

- Report released July 28, 2021
- Proposed 7 Amendments, with 4 explicitly focused on equity

Declaration of Racism as a Public Health Crisis

- Passed August 5, 2021

Structural Racism Study

- Six-month study completed in November 2021
- City Council Resolution supporting implementation of findings, December 10, 2021

Operationalizing Equity

Organizational and individual advocacy on health-related legislation

Recent legislative trends:

- Restricting transgender health care access
- Addressing racism in medical education
- Continuing education requirements for HCPs
- Hospital Community Benefit Policy
- Establishing task forces and offices
- Maternal health equity
- Anti-DEI legislation
- Racial Equity or Health Equity Impact Assessments

Challenges and Opportunities for Strengthening the U.S. Public Health Infrastructure:
Findings for the Scan of the Literature, May 2021, National Network of Public Health Institutes.



Findings:

- ✓ **Need for increased awareness among workforce of legal basis for public health authority**
- ✓ **Top training needs:**
 - **How to influence law and policy development**
 - **How to understand the effects of law and policy on health**

Accreditation: Community Engagement and Collaboration



Domain 4: Strengthen, support, and mobilize communities and partnerships to improve health.



Measure 4.1.3 A: Engage with community members to address public health issues and promote health.



Examples include:

- Making the decision-making structure **inclusive and transparent** to empower community members or developing **mechanisms for shared ownership** in the process.
- Enhancing residents' capacity to **understand levers of power or influence** in policy change.
- Ensuring consistency and transparency in how the health department engages with the community, such as, **creating space for community participation** on workgroups, [and] hosting meetings in locations and times convenient to community members or partners....

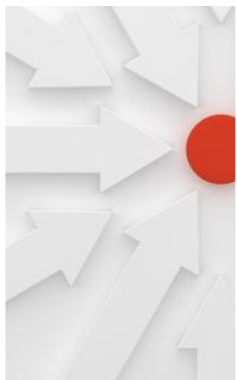
Accreditation: Influence Policies, Plans, and Laws



Domain 5: Create, champion, and implement policies, plans, and laws that impact health.



Measure 5.1.2 A: Examine and contribute to improving policies and laws.



Required elements of a review include:

- Consideration of evidence-based practices, promising practices, or practice-based evidence.
- **Assessment of the impacts of the policy or law on equity.**
- Input gathered from stakeholders or strategic partners.
- Documentation must include both the review and how it was shared.

Where can you find key resources, connections, and guidance as you work to advance health and racial equity and anti-racism action?



Racial Equity Impact Assessment (REIA): Bloomington, MN

Faith Jackson, J.D.
Chief Equity and Inclusion Officer
City of Bloomington, MN

A Racial Equity Impact Assessment (REIA) is a systematic examination of how different racial and ethnic groups will likely be affected by a proposed action or decision. REIAs are used to minimize unanticipated adverse consequences in a variety of contexts, including the analysis of proposed policies, institutional practices, programs, plans and budgetary decisions. The REIA can be a vital tool for preventing institutional racism and for identifying new options to remedy long-standing inequities.

- 1. Proposal:** What is the policy, program, practice or budget decision under consideration? What are the desired results and outcomes?
- 2. Data:** What's the data? What does the data tell us?
- 3. Community engagement:** How have communities been engaged? Are there opportunities to expand engagement?
- 4. Analysis and strategies:** Who will benefit from or be burdened by your proposal? What are your strategies for advancing racial equity or mitigating unintended consequences?
- 5. Implementation:** What is your plan for implementation?
- 6. Accountability and communication:** How will you ensure accountability, evaluate, and communicate results?

CITY OF BLOOMINGTON MINNESOTA

Racial Equity Impact Assessment

Proposal Name: _____

Description: _____

Department: _____

Contact: _____

Part I. Set outcomes.

1a. What is your proposal and how does it relate to Bloomington's Racial Equity Business Plan Focus Areas? Will it reduce disparities or discrimination? Does it help Bloomington become a vibrant, safe, and healthy place where people of all races thrive?

Focus Areas	How does this proposal relate?
Workforce Diversity	
Training and Professional Development	
Equitable Outcomes in Services Delivered	
Strategies/actions that reduce racial inequities (health, sustainability, jobs, housing, contracting, etc.)	
Authentic Community Engagement	

- 2020 City Council Adopted Racial Equity Business Plan which directed staff to develop a tool
- 2021 Racial Equity Impact Assessment Microbusiness established
- Microbusiness research and design phase lasted 6 months
- August 2021 Executive Leadership Team approved REIA pilot
- Community Development and Public Works staff primary users of the tool and the first cohort to receive training

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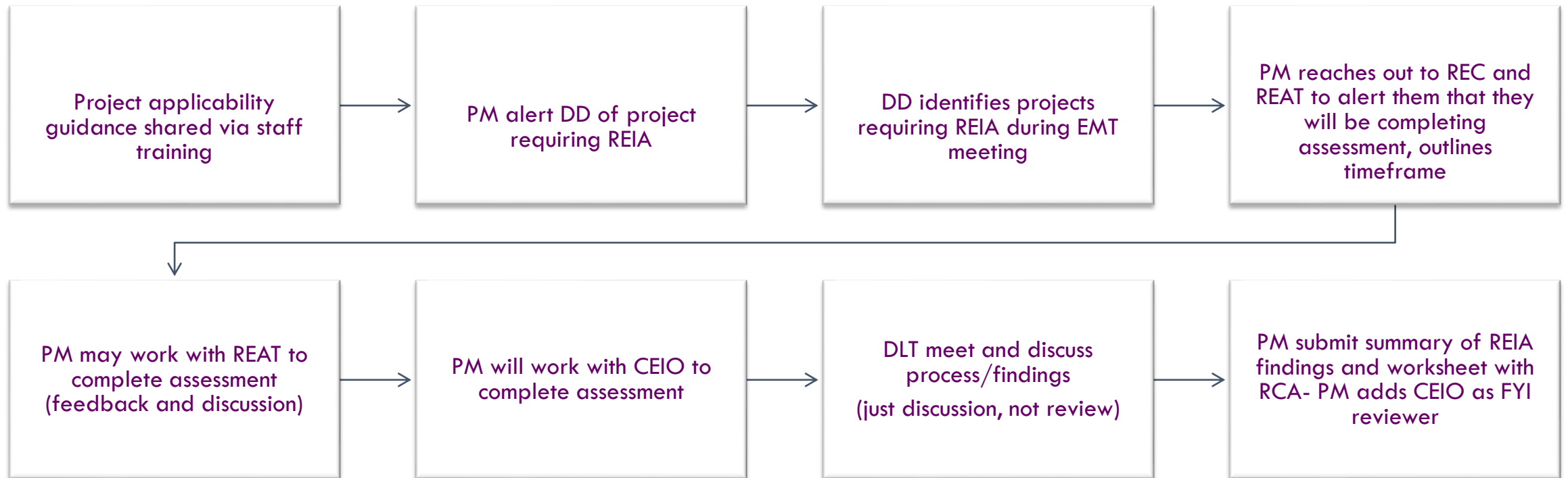
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SITUATION		WHAT'S REQUIRED?
Policy	Using the REIA process supports City staff, department leadership and elected policymakers in considering the racial equity impacts of a policy at all stages of development.	A completed REIA will be required when bringing Requests for Council Action (RCAs) to the City Council e for the following legislative actions: <ul style="list-style-type: none"> • New ordinances and updates to ordinances • Modifications to City code • Program requests that significant funding (\$\$) implications not included in budget process
Program	The REIA is an essential tool when developing or reviewing department-level programs to show how your work advances racial equity.	Currently, REIAs are not required when developing or reviewing department-level programs.
Budget	Using a REIA when developing your budget can ensure the core functions of your work align with the City's racial equity goals.	Annual Budget Process - Equity impact questions have been integrated into the City Manager's budget interviews and departments respond to them when meeting to discuss budget proposals.

Bloomington's Process



- Business Displacement Policy/Anti-displacement Policy
- Food Truck Licensing
- Rental Housing Code (Definition Of A Family)
- Neighborhood Traffic Management Plan
- Section 8 Voucher Program Waiting List
- Purchasing Grant Compliance
- Sewer Redevelopment Plan
- Paid Sick Leave Policy
- Residential Livability Ordinance



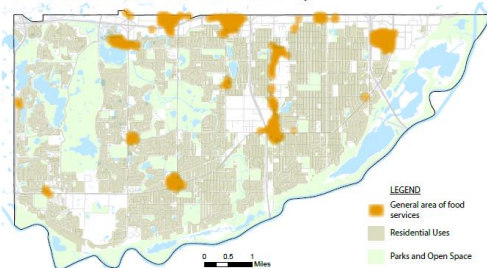
SLOW DOWN AND EVALUATE

2023/2024 GOAL

Moving from issues to innovation

- 2022 REIA study found that food trucks can promote a “culture of health” in low-income communities where barriers are reduced to allow food trucks and healthy foods are incentivized (source: Wallace E. V. (2021).
- Verbal and written feedback indicated interest in increasing access to healthy foods in east Bloomington. Additionally, the City’s Racial Equity Strategic Planning Committee identified food accessibility, access to culturally specific foods, and access to mobile food banks as priorities.

Residential and Food Service Areas in the City



CD REAT is partnering with visionaries behind the Northside Food Business Incubator (NFBI), a partnership with Appetite for Change (AFC) designed to expand economic opportunities and build wealth for Minneapolis residents and increase the healthy food options in North Minneapolis through the creation, growth and development of small food businesses in North Minneapolis.

Bloomington Project will launch in East Bloomington in spring 2024.

Here’s a real-life example of moving from issues to innovation!!!

THANK YOU!

Let's Stay Connected

fjackson@bloomingtonmn.gov

Update on State Adoption of Racial Equity Impact Assessment (REIA)
Legislation: Trends & Lessons Learned

A Collaborative for Anti-Racism & Equity (CARE) Project

Julie Ralston Aoki, JD, Public Health Law Center
Sara Rogers, MPH, The Network for Public Health Law
Daina Strub Kabitz, MPH, JD Candidate, Public Health Law Center



Project Goal & Methodology

- **Timeline:** Early 2022 - December 2023.
- **Goal:** Develop a comprehensive picture of the most recent state level legislative attempt and enacted law focused on racial equity impact assessments
- **Methodology:**
 - Exhaust primary sources to find relevant legislation
 - Cross-reference secondary sources
 - Populate table entry with information derived from the legislation itself

REIA Legislation Tracker

State	Type(s)	Year	Outcome	Assessment Title	Bill #	Bill Link	Bill Summary Lit	Legal Citation	Synopsis
Alabama			No bills						
Alaska			No bills						
Arizona	Process	2021	Not enacted	Racial Impact Statement	SB1710	https://www.azleg.gov/	https://apps.azleg.gov/	Not applicable	Would permit any member of the legislature to request a racial impact statement (RIS)
Arizona	Process	2023	Not enacted	Community Impact Statement	HB2360	https://www.azleg.gov/	https://apps.azleg.gov/	Not applicable	Would permit any member of the legislature to request a community impact statement
Arkansas	Process	2017	Not enacted	Racial Impact Statement	SB237	https://www.arkleg.state.ar.us/	https://www.arkleg.state.ar.us/	Not applicable	Would permit the Office of Economic and Tax Policy, in partnership with the University
California			No bills						
Colorado	Process	2019	Enacted	Demographic Note	HB19-1184	https://leg.colorado.gov/	https://leg.colorado.gov/	Colo. Rev. Stat. § 2-2-	Requires the Legislative Council to prepare up to 20 "demographic notes" each legis
Connecticut	Process	2008	Enacted	Racial and Ethnic Impact Statement	HB5333	https://cga.ct.gov/	https://cga.ct.gov/	Conn. Gen. Stat. § 2-24	Requires a racial and ethnic impact statement (REIS) for bills that could increase or de
Connecticut	Process	2018	Enacted	Racial and Ethnic Impact Statement	SB256	https://www.cga.ct.gov/	https://www.cga.ct.gov/	Conn. Gen. Stat. § 2-24	Amends the 2008 law so that any member of the General Assembly may request a raci
Delaware			No bills						
District of Colum	Process	2020	Enacted	Racial Equity Impact Assessment	B23-0038	https://www.dcregs.dc.gov/	https://lims.dccouncil.gov/	D.C. Code § 2-1471 (20	Establishes the Council Office of Racial Equity (CORE) and requires that racial equity
Florida	Process	2017	Not enacted	Racial and Ethnic Impact Statement	SB1188	https://www.flsenate.gov/	https://www.flsenate.gov/	Not applicable	Would require the Office of Program Policy Analysis and Government Accountability t
Florida	Process	2019	Not enacted	Racial Impact Statement	SB 642 c2 (line 4212)	https://www.flsenate.gov/	https://www.flsenate.gov/	Not applicable	Would require the Department of Justice to commission a racial impact statement (RI
Georgia	Process	2023	Not enacted	Equity Impact Statement	HB433	https://www.legis.ga.gov/	https://www.legis.ga.gov/	Not applicable	Would require an equity impact statement (EIS) for healthcare and housing legislatio
Hawaii	Process	2020	Not enacted	Cultural Impact Statement	SB3152	https://trackbill.com/bill/	https://www.capitol.hawaii.gov/	Not applicable	Would provide guidance on how to conduct cultural impact statements (CIS). In 200
Idaho			No bills						
Illinois	Process	2021	Enacted	Racial Impact Note	HB0158	https://www.ilgs.gov/	https://www.ilgs.gov/legi	25 Ill. Comp. Stat. 83/1	Permits any member of the legislature to request a racial impact note (RIN) on any bill
Illinois	Process	2023	Not enacted	Racial Impact Note	HB3341	https://www.ilgs.gov/	https://www.ilgs.gov/legi	Not applicable	Would amend the Racial Impact Note Act to require that the Governor's Office submit
Indiana			No bills						
Iowa	Process	2008	Enacted	Correctional Impact Statement/ Mino	HF2393	https://www.legis.iowa.gov/	https://www.legis.iowa.gov/	Iowa Code § 2.56 (202	Requires a correctional impact statement (CIS) for all bills, joint resolutions, or amend
Iowa	Process	2023	Not enacted	Minority Impact Statement	HF194	https://www.legis.iowa.gov/	https://www.legis.iowa.gov/	Not applicable	Would require that a minority impact statement (MIS) be prepared for each appropriat
Kansas			No bills						
Kentucky	Process	2022	Not enacted	Health Disparities Review	SB036	https://apps.legislature.ky.gov/	https://apps.legislature.ky.gov/	Not applicable	Requiring the Legislative Research Committee to determine whether a bill may have an
Kentucky	Process	2022	Not enacted	Racial and Ethnic Community Crimina	SB103	https://apps.legislature.ky.gov/	https://apps.legislature.ky.gov/	Not applicable	Requires racial and ethnic community criminal justice and public safety impact stateme
Louisiana	Pilot/Study	2021	Not enacted	Racial and Ethnic Impact Statement	HR164	https://legiscan.com/LA/	https://legis.la.gov/legis/	Not applicable	House Resolution urging the Southern University Law Center to conduct a one-time st
Maine	Pilot/Study	2021	Enacted	Racial Impact Statement	HRS	https://www.maine.gov/	https://legislature.maine.gov/	Me. Stat. tit. 2, § 201 (Requires the Legislative Council to conduct a study on racial impact statement (RIS) a

COLLABORATIVE FOR
Anti-Racism & Equity

Launching November at herenow.org

Early Adopters

- In a few states, REIAs have been used for over a decade.
- These states all adopted a REIA process with a narrow focus on criminal justice legislation.
- Early adopters include:
 - Iowa (2008) – Correctional Impact Statement
 - Connecticut (2008) – Racial and Ethnic Impact Statement
 - Oregon (2013) – Racial and Ethnic Impact Statement

Continued Momentum

- Between 2013 and 2019, more states enacted REIA processes.
- Some states continued to focus on criminal justice legislation, while others adopted more expansive REIA laws.
- These states include:
 - New Jersey (2016) – *Racial and Ethnic Community Criminal Justice and Public Safety Impact Statements*
 - Connecticut (2018) – *Racial and Ethnic Impact Statement (**Amended** to be more generally applicable)*
 - Colorado (2019) – *Demographic Note*

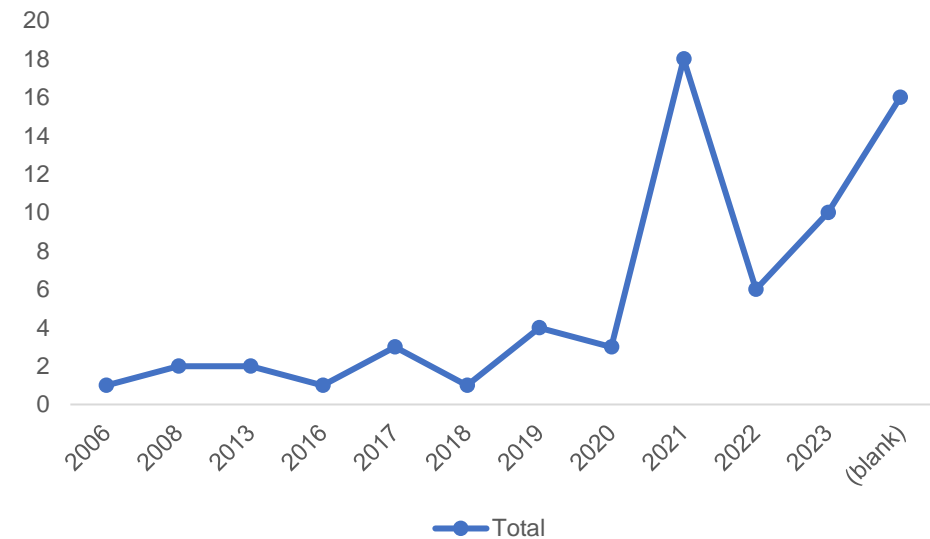
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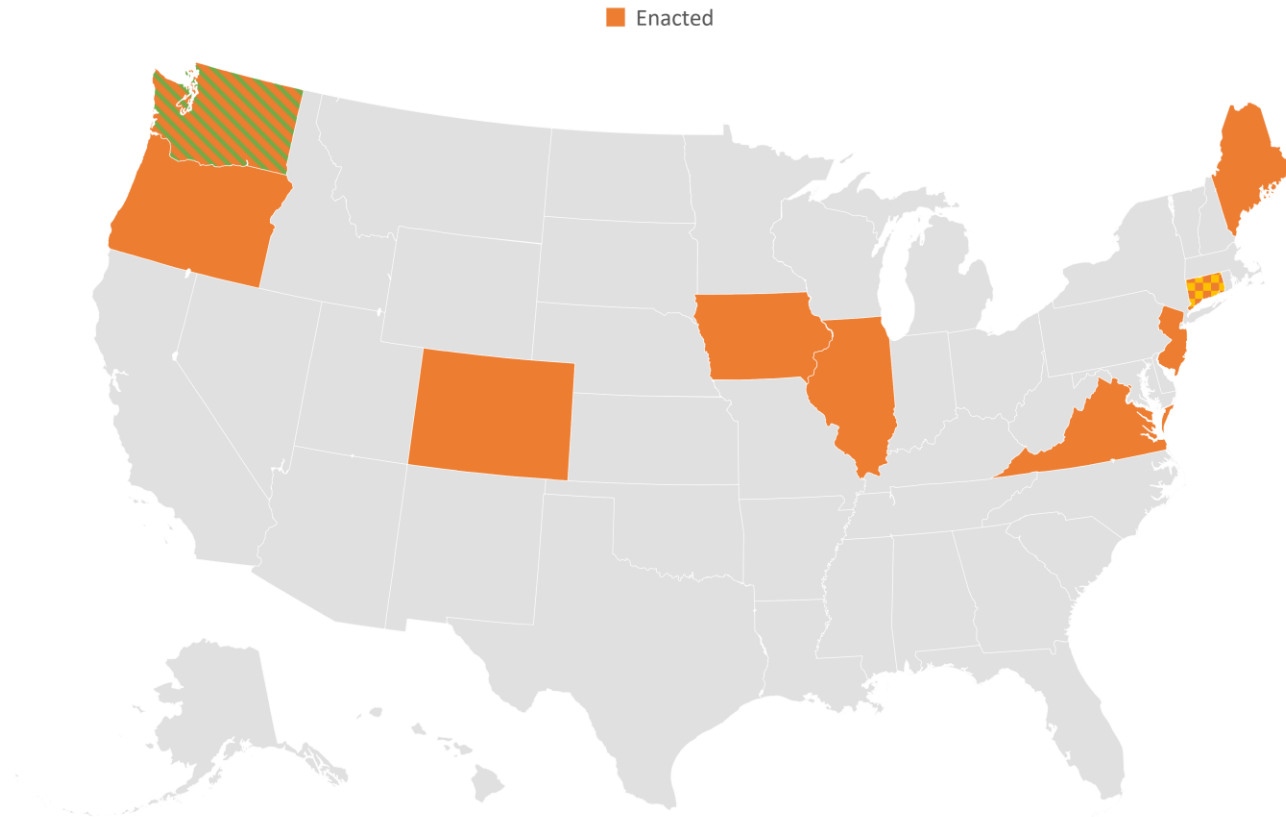
Legislation Surge

- Beginning in 2020, the COVID-19 pandemic combined with the national racial justice movement following the murder of George Floyd contributed to a significant increase in the quantity of REIA legislation being proposed across the country.
- 37 REIA bills proposed since 2020

Number of REIA bills introduced by state legislatures since 2006, by year



Map: Adopted REIA Laws (2006-2023)

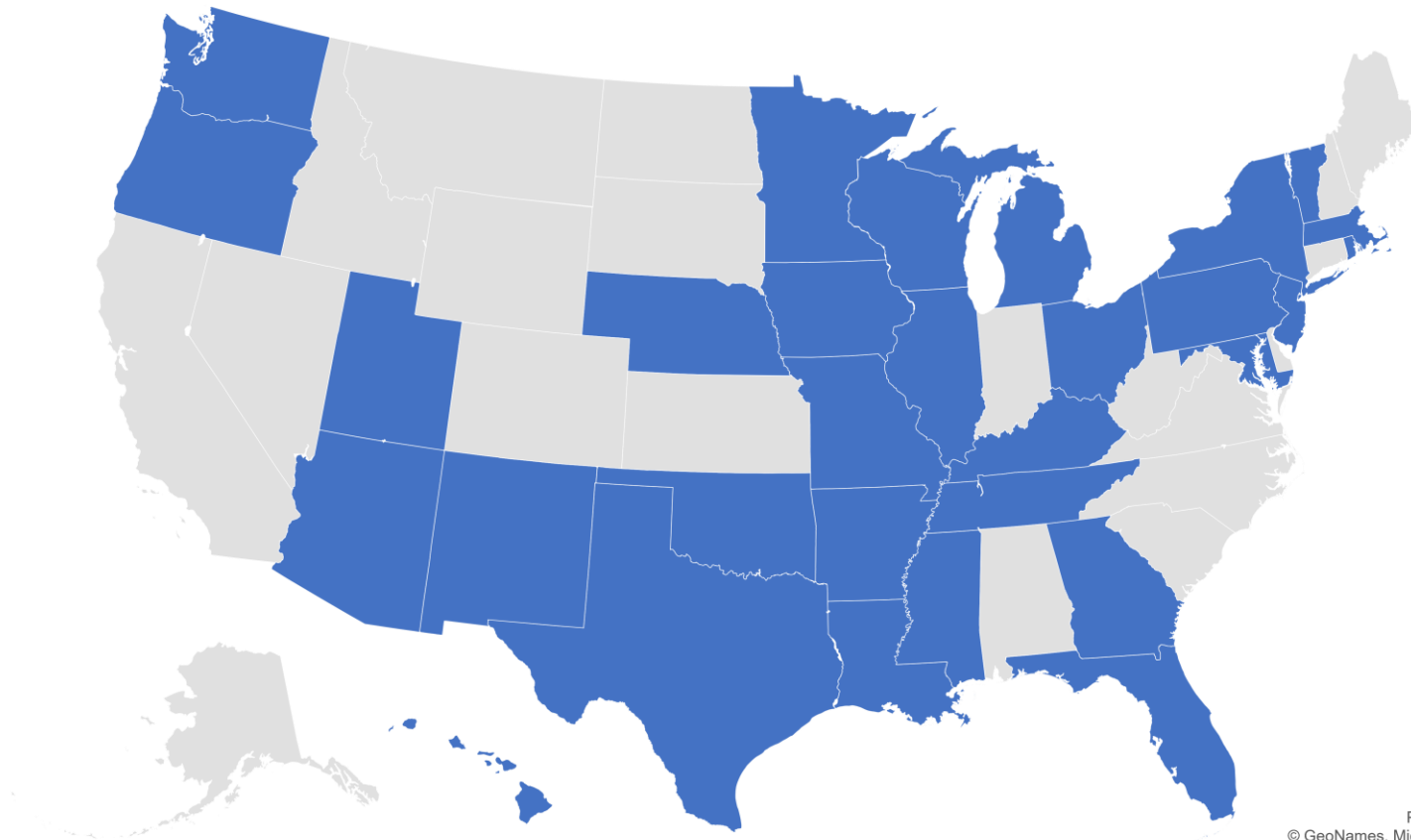


10 states

*Two of states have expanded (CT) either through amending original law or setting up a separate process (WA)

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Map: Proposed REIA Bills (most recent attempt)



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Legislative Trends: REIA Initiation

Most REIA legislation falls within one of two categories:

- Automatic, Policy-Specific REIAs
 - Most commonly applies to criminal justice legislation.
 - Requires that proposed legislation falling within identified policy area must receive a REIA.
- Procedurally Limited, Generally Applicable REIAs
 - Permits a REIA to be completed for any type of policy but imposes procedural limitations.

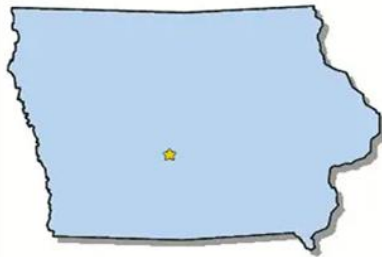
Procedural Limitations

- Legislator Request Requirements
 - Can be limited to party leaders or require a bipartisan request.
- Caps how many REIAs may be requested per legislative session.
 - Often between 3 and 5 requests per legislator.
- Discretion to reject a REIA request based upon feasibility concerns.

Examples

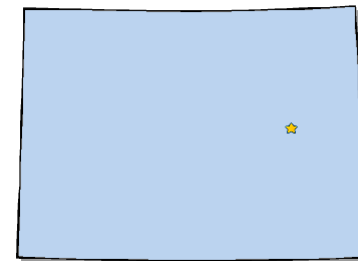
Iowa's Correctional Impact Statement

- Automatic
- Required
- For legislation relating to crimes and sentencing



Colorado's Demographic Note

- Request by party leader:
 - 5 note per session cap
 - Subject to feasibility determination
- For any type of legislation



Legislative Trends: REIA Preparation

- Usually assigned to a pre-existing, bipartisan legislative research or administrative entity.
 - Additional funding or staff time is rarely provided for.
- Less common tactics:
 - REIA- or racial-equity-specific body
 - Allocation to different government departments based on policy focus

REIA Methodologies

- REIA legislation rarely provides guidance on REIA procedure or formatting.
 - However, many REIA bills specify that procedural guidelines *should* be developed.
- Only a broad overview of what information should be included in a REIA is provided.
 - Most commonly: methodology, relevant background, type and magnitude of impact, and a conclusory positive/negative/neutral determination.

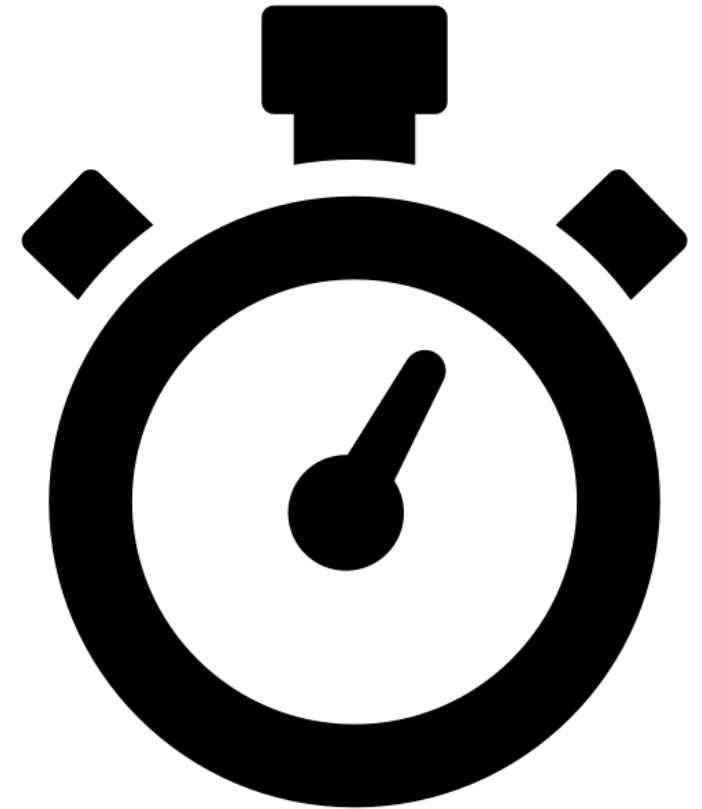
Data Sources

- REIA legislation does not typically provide for a specific data source.
- May instruct other state entities to comply with REIA-related information requests.
- It is likely that state-level REIAs draw heavily on publicly accessible data, which may not be comprehensive.



Quick Turnarounds

- Generally, a final REIA must be complete within 5 to 15 days of the initial request.
- Inherent thoroughness implications.
- May favor a template-based REIA model.



Legislative Trends: Accountability

Public Accessibility

- Some states make completed REIAs publicly accessible in online databases.

Bills (2022 session)		
SB 134 (Introduced); Raises the maximum age for delinquency matters in juvenile and domestic relations courts	House Courts of Justice	JLARC review
HB 735 (Introduced); Repeals four-level classification system for earned sentence credits	Senate Judiciary	JLARC review
HB 758 (House Substitute); Terms for probation, revocation, and suspension of sentence	Senate Judiciary	JLARC review

Image of Virginia's Racial and Ethnic Impact Statement Database

Non-Binding Nature

- REIAs are informational tools and are not binding.
- At most, REIA legislation has proposed that legislators explain in writing their choice to move forward legislation that received a negative REIA report.

Emerging REIA Practices

- Recommendations for more robust, actionable REIAs:
 - Invest in data
 - Consider a phased or time-staggered approach
 - Leverage existing equity working groups
 - Prioritize public accessibility and feedback

Takeaways

- Many states are actively pursuing a REIA process in some capacity.
- Currently, state-level REIAs may be limited by lack of resources, tight timelines, and limited data.
- REIA legislation is evolving and there is room for innovation

Wrapping Up

- Q&A
- Take the **post-session survey**
- **Sign up at herenow.org** to receive project email updates: REIA legislation tracker + declarations
- **Read:** Strub Kabitiz, D. [Engaging in Equity-Centered Policymaking: State-Level Racial Equity Impact Assessment Trends, Lessons Learned, and Future Directions](#) in 49 Mitchell Hamline Law Review 645 (2023).

Contacts

Julie Ralston Aoki

Director, Healthy Eating & Active Living Programs
Public Health Law Center
julie.ralstonaoki@mitchellhamline.edu

Faith Jackson

Chief Equity and Inclusion Officer
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Sara Rogers

Policy Analyst, Health Equity
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THANK YOU

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