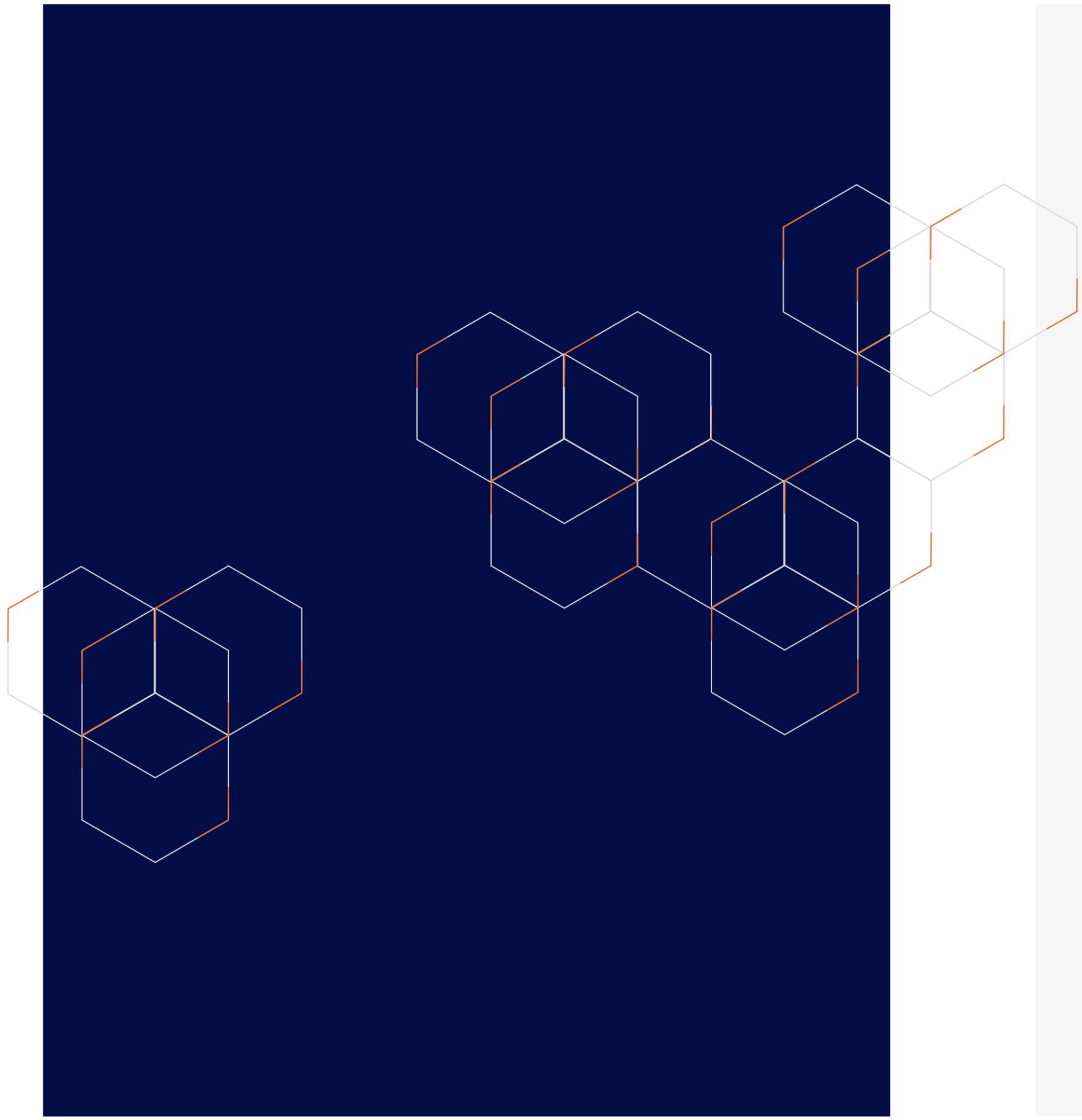


Equitable Development Guidelines

CUNY Institute for State
and Local Governance

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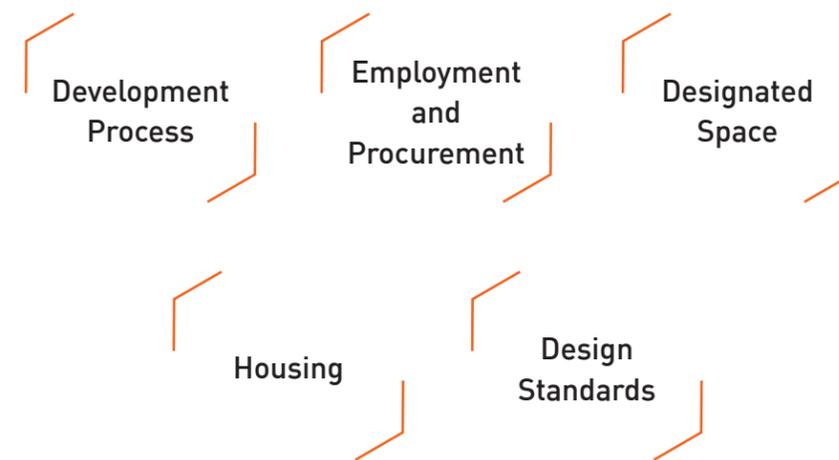
Introduction

Real estate development has an immense impact on the affordability, accessibility, and economic opportunity of neighborhoods and cities. Equitable development is an approach to development that recognizes this impact by building projects that provide community benefits, respond to local needs, and contribute to the health and wellbeing of residents and workers. Equitable development projects can provide affordable housing, create good jobs, and increase access to services, all while ensuring that communities have a voice in shaping the future of their neighborhoods.

The Equitable Development Guidelines is a robust tool that provides developers with a comprehensive overview and details about the decisions, activities, and strategies that can make their projects more equitable.

Some of the guidelines presented here are already incentivized by local government in cities around the country. In addition, community-based organizations and nonprofit developers have been fighting for and implementing many of these guidelines for decades. However, equitable development is far from the industry standard and need not

The guidelines fall into five overall categories:



be limited to projects that are built with public resources or subject to local regulation. All developers have the capacity and opportunity to contribute in meaningful and significant ways to equitable neighborhoods and cities, and these guidelines are a starting point for this work.

Implementing these guidelines depends on a complex set of factors, from construction costs and financing to public incentives and political will. Understanding the local context is critical to a project's success, and building equitable projects requires commitment from many different actors. This tool provides a foundation for collaboration by identifying best practices that have been successful in different contexts and pushing for higher standards across the real estate industry.

These guidelines are the first phase of a larger project to identify, measure, and incentivize best practices in real estate development that can improve the social and economic well-being of individuals and communities. This

work is related to the goals of our [Equality Indicators](#) project, which measures progress towards equality across six domains: economy, education, health, housing, justice, and services. Within this work, we define “equality” as follows:

Everyone has the same outcomes regardless of race, ethnicity, disability, sexual orientation, gender, single parenthood, age, immigration status, criminal record, place of residence, and other characteristics.

Equal opportunities can be a first step towards achieving equal outcomes. The Equitable Development Guidelines provide a range of options designed to increase access or opportunity, with the ultimate goal of improving outcomes for individuals and communities.

Disadvantaged groups

Several of the guidelines refer to “disadvantaged groups.” In the Equality Indicators framework for New York City, we identified a number of disadvantaged groups based on our literature review and feedback from experts and community groups. Our final framework includes specific measures for 12 of these groups: children under 18; immigrants; individuals currently in jail or on probation; individuals living in poverty; individuals with a physical or intellectual disability; individuals with less than a high school diploma; lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals; racial and ethnic minorities; religious minorities; seniors 65 and older; single parents; and women. However, there are many other groups adversely affected by inequalities, and the guidelines will include practices designed to improve conditions for these and other groups where relevant.

Equitable Development Guidelines Snapshot

Planning Process

- Research the neighborhood and community
- Pursue partnerships with community-based organizations
- Engage the community

Employment and Procurement

- Provide living wages to all project employees
- Ensure wage equity
- Hire employees from diverse, local, and disadvantaged groups
- Prioritize local or disadvantaged businesses when procuring materials or services
- Incorporate the above practices into the lease agreements of commercial tenants
- Sign and enforce a project labor agreement, labor peace agreement, or community benefits agreement
- Provide apprenticeship programs (in partnership with labor unions)

Designated Space

- Designate space for a community asset that meets a demonstrated need
- Designate space that is accessible, affordable, and culturally relevant

- Designate space for a local nonprofit or community-based organization
- Designate space for disadvantaged business owners

Housing

- Maximize the number of affordable units
- Make housing units permanently affordable
- Include deeply affordable units
- Provide supportive housing units
- Expand opportunities for homeownership and community ownership
- Reserve a percentage of units for existing disadvantaged residents of the neighborhood
- Provide protections for existing tenants of redevelopment projects

Design Standards

- Follow design standards that impact the health and wellbeing of building tenants and neighborhoods, such as those found in:
 - Enterprise Green Communities
 - Active Design Guidelines
 - Universal Design
 - Design and Construction Excellence 2.0
 - LEED



Planning Process

The planning process lays the groundwork for all of the decisions and strategies that contribute to equitable development; for this reason, the guidelines begin with this section. An equitable development project must be responsive to existing neighborhood conditions and people who may be affected by the project, including the occupants of the building, the people who live and work in the neighborhood around the project, and citywide groups that can potentially benefit from development decisions.

Guidelines for an equitable planning process fall into three areas that correspond to three critical components of groundwork: 1) researching the neighborhood and community where development will take place; 2) pursuing partnerships with local community-based organizations; and 3) engaging the community. All of these components are designed to make a development project as inclusive of and responsive to those most affected by it as possible, with each providing another layer of depth to the process. At the end of the planning process, a developer will have identified key stakeholders, potential partners, community assets, community needs, and larger inequalities that can be addressed through the project.

While comprehensive community engagement and neighborhood planning efforts are crucial components of equitable development, these processes are not always possible for every development project, especially those that are smaller in scale or are located in communities

that have already completed assessments and plans. Alternatively, in some cases, such as large-scale publicly funded projects, a full community engagement process is a requirement included in the government contract. These guidelines are not meant to serve as a substitute for these efforts; instead they are intended to work in conjunction with them. In situations where substantial engagement efforts are already in place (e.g., rezoning in New York City), it is the developer’s responsibility to identify ways in which a project can respond to these efforts.

Where possible, the guidelines in this section should be followed first, as they inform the applicability and potential impact of the guidelines in other sections.

FIRST
Learn about the community through **research**



SECOND
Pursue important community **partnerships**



THIRD
Fully engage the community if the project permits



Highest level of commitment

Planning Process Guidelines

1. RESEARCH THE NEIGHBORHOOD AND COMMUNITY

Most development projects already include some form of a market or feasibility study. An equitable development project requires more specific research into stakeholders and community assets, as well as community needs and existing inequalities. The type of research that developers choose will depend on multiple factors (such as, timeline, resources, or investor demands). Regardless of type, however, the findings from this research can guide development decisions that either leverage the strengths of a community or address its needs. The research also provides greater legitimacy to development decisions by tying them to thoughtful considerations regarding the local context of a project.

1a. Identify stakeholders

Stakeholders include anyone who might be affected by a new project, from building occupants, to people who live and work in the surrounding neighborhood, to individuals and businesses that will be involved in the design and construction of the project. Stakeholders

also include community-based organizations, local government entities such as community boards and elected officials, and local businesses. All planning processes should start by identifying these stakeholders and considering how the project will affect them, both positively and negatively. Although most stakeholders are place-based and will be affected by neighborhood-level impacts of the project, others might be affected at a larger scale, such as through a citywide workforce initiative. Most of the guidelines in this section apply to place-based stakeholders, but development decisions can also address inequalities faced by disadvantaged groups citywide. These opportunities will be highlighted in other sections of the guidelines.

1b. Consult existing neighborhood plans or studies

For projects located in neighborhoods that have been the subject of recent plans and studies, substantial information that may inform the planning process is available. By consulting existing resources and recognizing the work that has already been done, developers have a greater opportunity to address community concerns and needs that

have already been raised. It is important to consider how an individual project fits into the larger strategy and plan for a neighborhood. Studies led by local government agencies, academic institutions, and research organizations can provide critical information about the priorities of a neighborhood and how a project can provide programs, services, and employment opportunities to support various stakeholders. Plans and studies that have received both community input and community approval should be prioritized. For an example, see the East Harlem Community Plan case study at the end of this section.

Where possible, the guidelines in this section should be followed first, as they lay the groundwork for equitable development.

Another reason to consult existing plans and studies is to avoid engagement or consultation fatigue among community members. In neighborhoods that have already participated in engagement efforts, it is important not to burden stakeholders without considering the input that they have already provided. The time and expertise already shared in previous engagement processes is highly valuable, and the developer's focus should be on learning from that expertise when it is available.

Two particularly relevant types of neighborhood studies are community needs assessments and community asset mappings. These neighborhood study methodologies are described below. If developers are conducting either of these studies, they should start as

early as possible in the planning process and be open to testing their underlying assumptions about the neighborhood or community.

Community Needs Assessment: When determining the types of spaces, services, and programs developers can provide in a project, it is important to understand the needs of the local community. A community needs assessment is an important tool for identifying the challenges facing a neighborhood and prioritizing solutions to those challenges. Examples are endless, and could range from providing childcare facilities to meet the

needs of working parents, to improving the safety of sidewalks for children traveling to and from school, to increasing access to open space for the health and wellbeing of all community members. The format and scale of these assessments vary widely, from informal conversations to full public surveys. Steps include identifying the purpose of the assessment and the questions that need to be answered; designing and implementing the assessment; interpreting the results; and using the results to inform project plans.

Community Asset Mapping: The opposite of community needs are community assets—the people, places, institutions, or services in a community that have the potential to improve residents' quality of life. Local organizations,

volunteer groups, schools, hospitals, and parks are examples of community assets. It is important to understand a community's strengths before determining what interventions are necessary to improve a neighborhood or community. Community asset mapping is a method of creating an inventory of community assets and analyzing them. Mapping can take many forms, from an actual map that locates physical assets to a database that includes social, economic, and institutional assets. Mappings are most useful when they are made publicly available and can be adapted as neighborhoods change over time.

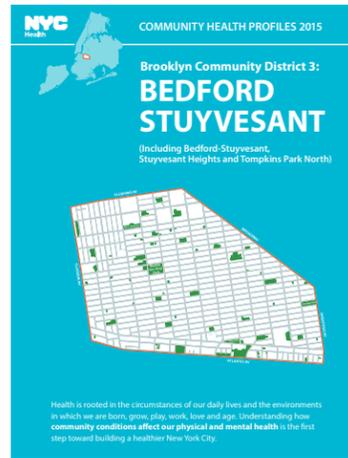
Community needs and assets should be identified with a diverse group of stakeholders because different people will have varying perspectives on what contributes positively to a neighborhood or what is needed most urgently. When done thoroughly and with the help of the community, these tools provide useful information to developers, communities, and local government agencies for future plans and projects. They also build capacity and knowledge about local priorities and resources for other stakeholders.

1c. Analyze existing data and maps

In neighborhoods that have not been planned or studied recently, or where conducting a new community needs assessment or asset mapping is not possible, developers can take advantage of other resources such as data and maps to inform development decisions. Demographic data are available for every city and metropolitan area in the country, and most local governments maintain

socioeconomic data as well as data on public health and access to services and amenities, such as parks, transportation, and food outlets. Academic institutions and research organizations are also important resources for data. When research capacity is not available in-house, developers can work with external researchers to unpack the information available from various data sources.

This research can provide developers with a better understanding of the local context of a project, at both the neighborhood and city-wide scales. Data and maps can shed light on disparities between neighborhoods as well as citywide inequalities faced by different disadvantaged groups. Data sources on citywide inequality in New York City include the Equality Indicators, Measure of America's Data2Go, and several sources available from NYC agencies, including the Department of Health and Mental Hygiene's EpiQuery and Community Health Profiles, the Mayor's Office of Operations' Social Indicators Report, and the Center for Innovation through Data Intelligence's Disparity Report. Data on demographics and racial and economic inclusion from the 100 largest cities and 150 largest metropolitan areas are available from the National Equity Atlas maintained by PolicyLink and the USC Program for Environmental and Regional Equity, while a range of local data from across the United States is available from the U.S. Census Bureau's American FactFinder. Depending on the type and scale of a project, citywide analysis can point to development decisions that may address needs and priorities at a larger scale.



The NYC Department of Health and Mental Hygiene publishes *Community Health Profiles* for all NYC neighborhoods (including Bedford Stuyvesant, pictured here) to provide localized information on demographics, neighborhood conditions, and health outcomes. These findings may be useful for developers as they research the local context of a project.

Source: NYC DOHMH, <https://www1.nyc.gov/assets/doh/downloads/pdf/data/2015chp-bk3.pdf>

2. PURSUE PARTNERSHIPS WITH COMMUNITY-BASED ORGANIZATIONS

Community-based organizations (CBOs) are important stakeholders in the planning process, and in some cases they can become partners in projects. A partnership might mean that the CBO provides insight into a neighborhood to supplement the research outlined above. A CBO can also facilitate broader community participation, serving as a liaison between developers and community members. CBOs can also be co-developers or key service providers, such as in a supportive housing project that requires mental health or employment services. Partnerships with trusted institutions provide legitimacy to a project and can help to garner support for development decisions, which in turn can help to ease project approval processes.

In some cases, partnerships can directly inform the design and use of physical spaces in the project. The David & Joyce Dinkins Gardens is a residential project that includes

space for the Harlem Congregations for Community Improvement (HCCI) Construction Trades Academy, a training and job placement program that provides Harlem residents with access to careers in the construction industry. HCCI is a nonprofit interfaith consortium of more than 90 congregations and, as a partner in the planning process, identified the need for employment programming.

3. ENGAGE THE COMMUNITY

Community engagement is a resource- and time-intensive process, but it can provide a crucial backbone for equitable development. It is an opportunity for different stakeholders to provide valuable information about the kinds of spaces, services, and programs they need and want. A single development project cannot meet all of a community's demands, but if an engagement process is carried out thoughtfully, it can produce findings that can inform future projects and larger neighborhood planning efforts in addition to informing the individual project itself. In addition, when projects require community support as part

of a larger approvals process, such as projects that require government approval for zoning changes, following best practices in community engagement can lead to stronger stakeholder buy-in and a smoother, more streamlined approvals process.

Engagement efforts should begin as early as possible in the planning process to ensure that stakeholder input is properly incorporated into project plans and proposals. The current public engagement process in New York City and elsewhere has been criticized for often approaching communities after key decisions in a project have already been made, making the engagement reactive rather than proactive. Treating community engagement as simply a box to be checked in a long list of requirements diminishes the opportunity for a project to be responsive and accountable to the results of the engagement. Furthermore, engaging the community early in the process can foster trust between the development team and the community.

There are different models of community engagement, including public meetings, interactive brainstorming and planning sessions, and visioning workshops. There are also many resources for urban planners that provide guidance for developers as well. The Community Planning Toolkit includes methods and techniques for designing an effective community engagement process. Rebuild by Design produced a collection of best practices based on the two-year engagement process for resilience planning after Superstorm Sandy. And the NYC Department of Housing and Preservation published a Neighborhood Planning Playbook that provides detailed steps for engaging communities in an inclusive way.

In New York City, there are a number of organizations that specialize in community engagement processes, including the Center for Urban Pedagogy and Hester Street Collaborative. Developers can learn from the work of these organizations and partner with some of them depending on the type, scale, and requirements of a project. Similar organizations are working in communities and cities around the country.



The NYC Department of Housing Preservation and Development, in collaboration with other City agencies, designed the Neighborhood Planning Playbook to guide these agencies and others through effective and inclusive planning processes.

Source: NYC HPD, <http://www1.nyc.gov/site/hpd/community/nyc-neighborhood-planning-playbook.page>

Community engagement should be planned carefully based on the research findings and partnerships outlined in the guidelines above, as well as information available from other resources. The following guidelines highlight best practices around three important goals for community engagement: inclusiveness, comprehensiveness, and transparency.

3a. Ensure outreach and communication are accessible to all stakeholders

Developers should aim to reach as many different stakeholders as possible, including the most vulnerable and hard-to-reach populations. Information about the project and opportunities to provide input should be available through multiple channels. The increasing use of technology-based platforms for engagement, including interactive websites, mobile apps, and crowdsourcing platforms, makes it possible to reach people who might not be able or willing to attend in-person meetings. However, unequal access and ability to use technology means that this kind of engagement can exclude other key stakeholders. Public meetings, focus groups, and workshops are still important vehicles for community engagement and should be planned at different times of the week and day in order to capture stakeholders with different schedules. It is also important to remember the possibility of engagement fatigue and be careful not to schedule unnecessary meetings. When there are specific stakeholders who are still left out of these engagement methods, it may be necessary to meet stakeholders where they live or work

through flyers, phone calls, and face-to-face canvassing.

Outreach and engagement should be conducted in multiple languages, depending on the community. Issues related to language access should not prevent stakeholders from participating, so it might be necessary to involve translators and other partners to help facilitate communication. In general, a multi-dimensional outreach effort can help to ensure that more stakeholders are informed about the project and given the opportunity to be involved in the engagement process.

3b. Provide opportunities to engage at different stages in the process

A comprehensive community engagement process should gather input continually, not only at the beginning of a project. Building in opportunities for stakeholders to engage at different stages in the project allows developers to respond to input, revise a project, and remain accountable to the concerns and needs of the community. This feedback loop can also help to establish trust with the community and strengthen support for the project. Each stage of engagement is also an opportunity to reach more stakeholders.

It is especially important to schedule additional meetings and other outreach efforts when significant changes have been made to a project. In addition to ensuring that the community has the chance to respond to the changes, continued engagement also contributes to the transparency and accountability of the project, as outlined in the next guideline.

3c. Ensure a transparent process and a responsive project

Transparency is a crucial component of a community engagement process. Findings from the process should be documented and made available to the public, whether in a physical report, on a website, or through another medium. Similar to the multi-dimensional outreach effort outlined above, communication about development decisions should be accessible to different stakeholders.

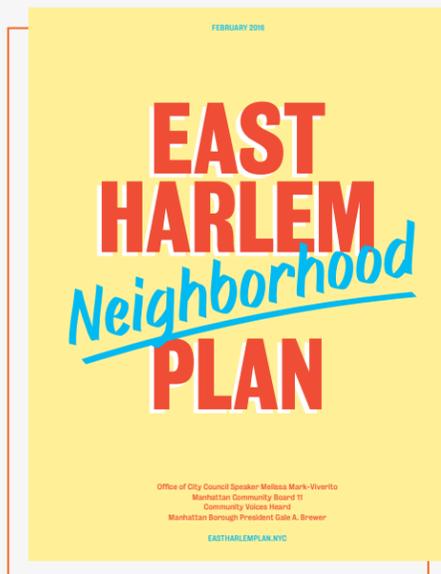
The ultimate measure of success for a community engagement process is the extent to which the findings are incorporated into the project.

The ultimate measure of success for a community engagement process is the extent to which the findings are incorporated into the project. In order for developers to be accountable to the community, they should document the ways in which community input has informed project decisions.

A community benefits agreement (CBA) is one way to ensure that a community's priorities and concerns are addressed in a development project. CBAs are discussed in greater detail in the Employment and Procurement section of the guidelines, though many of these agreements also include terms related to other sections such as Designated Space and Housing.

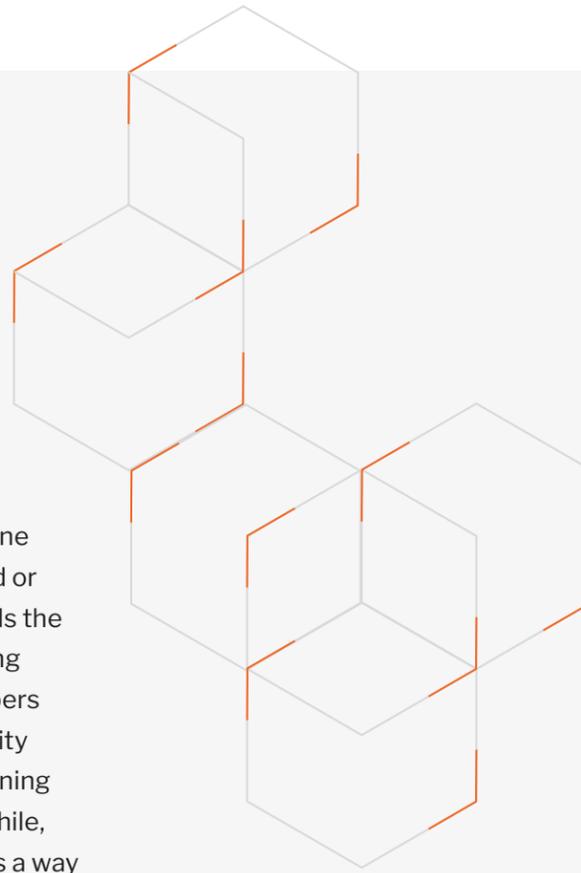
Case Study: East Harlem Neighborhood Plan

In 2014, NYC Mayor Bill DeBlasio announced *Housing New York*, a plan to rezone 15 neighborhoods for higher-density development as part of his vision to build or preserve 200,000 units of affordable housing. While this plan is a step towards the creation of more affordable units, many neighborhoods worry that encouraging denser development will ultimately privilege real estate investors and developers over residents. The City has expressed a commitment to integrating community needs and perspectives in its rezoning plans, and the Department of City Planning (DCP) has been working on tailored proposals for each neighborhood. Meanwhile, many neighborhoods are undergoing their own community planning efforts as a way to ensure that the rezoning plans take into account local needs.



The East Harlem Neighborhood Plan is the result of a recent community engagement process that has been held up as a good example of inclusiveness, comprehensiveness, and transparency.

Source: <http://www.eastharlempplan.nyc/>



In the case of East Harlem, City Council Speaker Melissa Mark-Viverito formed a steering committee of community and government stakeholders to develop a comprehensive neighborhood plan. WXY Studio and Hester Street Collaborative, specialists in urban planning and engagement, facilitated visioning sessions with committee and community members throughout a two-year engagement process that resulted in the *East Harlem Neighborhood Plan (EHNP)*. The plan contains 232 recommendations across the following topics: arts and culture; open space and recreation; schools and education; pre-kindergarten, daycare, and afterschool; public housing; housing preservation; small businesses, workforce and economic development; affordable housing development; zoning and land use; transportation, environment and energy; safety; and health and seniors.

By many accounts, the structure of the process, the number and diversity of engaged stakeholders, and the long-term commitment of all parties involved resulted in an inclusive and comprehensive process and community development plan. However, the recent rezoning proposal for the neighborhood has received criticism for not incorporating enough of the EHNP priorities. While it was ultimately approved, the public review process for the proposal raised questions about the value of community planning and engagement if the outcomes are not incorporated into final plans and proposals for development. This case study highlights the importance of all three of the community engagement goals described above: inclusiveness, comprehensiveness, and transparency. Developers should aim for these goals when following all of the guidelines in this section, especially when using these guidelines to inform development decisions in other sections.



Employment and Procurement

Equitable employment and procurement practices can expand economic opportunity for local communities and disadvantaged groups. These practices are relevant for all of the various employers involved in a project, including developers, designers, contractors, suppliers, and others. All of these employers have the opportunity to commit to responsible business practices that contribute to equity in different ways.

All types of projects can incorporate these guidelines: residential or commercial, small-scale or large-scale, for-profit or non-profit. While some of these guidelines will be more feasible for developers working on large-scale projects, projects of any size can incorporate aspects of each guideline. For instance, developers with fewer resources or working on small-scale projects can still make a good-faith effort to hire a diverse workforce, even if more intensive guidelines, such as providing job training, are out of reach.

Many of the guidelines in this section stem from the terms included in community benefits agreements (CBAs) that developers and stakeholders (such as community members, labor organizations, and government agencies) have established for projects around the country. CBAs are contracts that outline a developer's contributions to the community, including efforts to offset potential negative impact,

in exchange for the community’s support of the project. CBAs may be narrow or expansive, depending upon the scale of the project, and they often include equitable employment and procurement practices.

A key issue that hinders the effectiveness of CBAs is lack of enforcement and accountability. This issue pertains to many of the guidelines in this section. Some of these guidelines are already common practice in certain industries, but state and local policy often determines how widely they are implemented. Developers should consider selecting a point person or team to strategize and execute these practices, including a strong and enforceable written agreement.

Employment and Procurement Guidelines

1. PROVIDE LIVING WAGES TO ALL PROJECT EMPLOYEES

Paying fair and sufficient wages to workers according to the local cost of living is one vital piece of the equitable development puzzle. The minimum wage is set by federal and state regulation, but in much of the United States, the cost of living far exceeds the federal and state minimum wage. As a result, some cities have their own wage standards that are better suited to higher costs of living in these localities. In addition, projects that are developed

through contracts with local governments or negotiations with labor unions sometimes require higher wages for workers than the state minimum wage. The wage necessary to match the cost of living is called a “living wage.”

A report from the Economic Policy Institute found that communities and municipalities in which workers earn a living wage benefit economically, with comparatively little cost to the municipality itself. While their study focused on government contracts and

Federal and New York State minimum wage

Federal minimum wage: Since July 24, 2009, the federal minimum wage has been \$7.25 per hour. Many states have their own minimum wage laws, and employers must comply with both the federal and state laws.

New York State and New York City minimum wage: Since December 31, 2017, the minimum wage in New York State has been \$10.40 per hour, with \$11.00 for Long Island and Westchester, \$12.00 for small employers (10 or fewer) in New York City, and \$13.00 for large employers (11 or more) in New York City. By the end of 2019, small and large employers in New York City will be required to pay a minimum wage of \$15. Long Island and Westchester will have a \$15 minimum wage by the end of 2021 and the remainder of New York State at a later date, based on an annual increase.

budgets, the positive impact of living wages in low-income communities suggests that providing living wages to development project employees can help to address income disparities faced by disadvantaged groups in the surrounding neighborhood and citywide.

Many CBAs include living wage provisions. For example, the Lorenzo Project CBA required that workers hired for certain construction jobs earned at least a living wage as determined by the City of Los Angeles. In addition, 60% of the project’s permanent workers earned a living wage. The Gates Cherokee Project CBA not only created living wage jobs for the construction of the project, but it also prohibited the inclusion of big-box stores (which tend to pay low wages) as tenants in the development, thus contributing to long-term economic benefits.

2. ENSURE WAGE EQUITY

Wage equity ensures that employees receive fair pay in accordance with their rank and performance, regardless of their race, gender, sexual orientation, or any other distinction. Wage equity for women is particularly important to consider in a development

project because women are underrepresented in the development and construction industries and are typically paid less than their male counterparts. Wage equity for women has been included in various federal, state, and local legislation, and equitable development requires that employers remain committed to equal pay for equal work paradigms.

Another area of wage equity that is less researched but also important to consider is pay-scale equity. The JUST program includes a measure of pay-scale equity in its assessments of equitable organizations. In order to qualify under the pay-scale equity measure, the wage ratio between the most- and least-compensated employees must not exceed a certain threshold. While this measure is not as widely implemented as broader wage equity practices, it is an important one to consider in the context of the profit-driven development industry.

3. HIRE EMPLOYEES FROM DIVERSE, LOCAL, AND DISADVANTAGED GROUPS

Workforce diversity should be a cornerstone of every equitable development project,

Resources

Living Wage - Partnership for Working Families: Basic information on living wage legislation and policies and tips on how employers can exceed the minimum requirements.

Living Wage Calculator - MIT: Estimate the cost of living in your community or region. The calculator lists typical expenses, typical wages, and the living wage for the selected location.



This sample label from the JUST Program includes the various indicators of social justice and equity by which this rating system measures businesses. Pay-scale equity is one of those indicators.

Source: Just, <https://living-future.org/just/#sample-just-label>

certain city contracts are required to participate in HireNYC, a program that connects unemployed or underemployed workers to entry- and mid-level job opportunities in both temporary (e.g., construction) and permanent (e.g., on-site retail) jobs.

regardless of its type or scale. Diversity in the workforce can mean many different things, from racial and ethnic diversity to socioeconomic diversity. Projects that prioritize workforce diversity can help to address inequalities in employment, income, and economic opportunity for many different groups.

Policies that relate to workplace diversity (such as the Civil Rights Act of 1964 and the Equal Pay Act of 1963) are often those that prevent discrimination, but it is also important to consider those that incentivize or promote proactive inclusion and diversity. Proactive initiatives include targeted hiring programs, that in some cases are required for publicly-subsidized projects. In New York City, for example, agencies like the Economic Development Corporation have workforce targets for their real estate development projects, including targets for hiring low-income New Yorkers. Developers building projects through

First source hiring policies or local hire ordinances aim to maximize the employment of local residents and contribute to the economic development of a neighborhood, city, or metropolitan area. While there are no federal or state policies requiring first source hiring, many major cities have local hire guidelines or requirements for publicly-funded projects. Policies often specify the geographic area from which workers can be hired, but others identify local workforce development partners that can connect unemployed or underemployed residents to project jobs (such as HireNYC, as noted above).

Many CBAs include benchmarks for targeted hiring of different groups of people, including local residents, racial and ethnic minorities, women, and low-income individuals. Some CBAs include benchmarks that are even more specific. The Staples Center CBA, for example, included hiring requirements for individuals displaced by the project. The aforementioned

Lorenzo Project CBA included temporary and permanent hiring requirements for “at-risk” individuals who face certain barriers to employment, including homelessness, low education, and involvement with the justice system.

The recent publication Building America While Building Our Middle Class outlines best practices for designing and implementing equitable hiring programs that have the potential to benefit underserved neighborhoods. These practices include community engagement (see the Planning Process section of the guidelines), designation of a coordinator to oversee the program, and clear and enforceable accountability measures. This report

of a project, there are ways in which development teams can diversify their own workforces. There are programs dedicated to diversifying the real estate industry, including the Real Estate Associate Program, a professional development program aimed at providing networking opportunities to connect real estate companies and minority real estate professionals. The Urban Land Institute’s Real Estate Diversity Initiative is another professional development and career-mentoring program available to women and minorities who want to enter the real estate development field. While these initiatives focus on overcoming employment barriers for individual professionals rather than directly helping

Projects that prioritize workforce diversity can create job opportunities and help to address inequalities in employment, income, and economic opportunity for many different groups.

focuses on infrastructure jobs, but the definition of infrastructure includes public buildings and can be extended to include development projects more generally. Because infrastructure is one of the few industries that provides opportunities for people with lower levels of formal education or who experience barriers to employment, as stated earlier, development projects are a unique opportunity to address employment inequalities for many different groups through targeted hiring.

In addition to diversifying the workforce employed in the construction and occupation

development companies hire a diverse workforce, developers can engage in partnerships with professional development programs like these in order to expand their recruiting networks and access a more diverse pool of candidates.

4. PRIORITIZE LOCAL OR DISADVANTAGED BUSINESSES WHEN PROCURING MATERIALS OR SERVICES

Contracting or subcontracting businesses owned by women, minorities, or other disadvantaged populations is another way that

developers can contribute to the economic opportunity of these groups. Equitable development should strive for equal access to procurement contracts and the business development and economic empowerment that comes with them.

A Minority and Women-Owned Business Enterprise (MWBE) is a business that is at least half owned, controlled, and operated by a member (or members) of one or more designated minority groups including Black, Hispanic, Asian Pacific, and Asian-Indian; or by a woman (or women).

An Emerging Business Enterprise (EBE) is a business that is at least half owned, controlled, and operated by a person (or people) who can demonstrate social and economic disadvantage, such as chronic and substantial negative treatment due to diminished access to capital and credit. The net worth of disadvantaged owner(s) must be less than \$1 million.

A Locally Based Enterprise (LBE) is a business that conducts at least one-quarter of its work in an economically depressed area, or employs economically disadvantaged individuals in at least one-quarter of its workforce.

Requirements for procurement from MWBEs and EBEs appear frequently in federal, state, and local contracting, and for publicly-funded development projects. Sometimes, these requirements are paired with capacity-building programs for contractors.

Developers that require assistance identifying qualified MWBEs and EBEs, or that want

to support the work of capacity-building programs, can collaborate with one of the many national and local organizations dedicated to supporting these businesses and connecting them with contracting opportunities. The National Minority Supplier Development Council (NMSDC), for example, advances business opportunities for certified minority business enterprises, connecting them to clients and facilitating their integration into corporate and public-sector supply chains. NMSDC offers a Minority Business Enterprise Certification and other educational programs. In New York City, the Business Outreach Center supports small businesses in securing construction contracts through financing, networking, and training.

In addition to MWBE and EBE requirements, some states and cities have local procurement requirements as well. There is evidence that cities that prioritize local procurement and establish the appropriate pipelines to engage businesses and connect them to opportunities have more successful programs. This work is also being done at the grassroots level. The Bronx Cooperative Development Initiative recently created BronXchange, “an online marketplace that connects Bronx institutions and nonprofit organizations with high-road, local businesses in order to meet their local purchasing goals and support a more sustainable, equitable, and democratic local economy.” Indeed, anchor institutions are emerging as leaders in local procurement. Developers can tap into the growing network of organizations committed to equitable economic development.

Some CBAs include requirements for MWBE and local procurement. The [Kingsbridge Armory CBA](#), for example, established a local procurement plan that is designed to continue after construction and requires the developer to appoint a senior procurement official to implement the plan.

5. INCORPORATE THE ABOVE PRACTICES INTO THE LEASE AGREEMENTS OF COMMERCIAL TENANTS

Developers working on non-residential projects can support long-term equitable employment practices in the spaces they build by incorporating the above guidelines into the leases they issue to commercial and industrial tenants. Developers (or subsequent owners of a project) can require, as a condition of occupation, that any tenant who leases space in the project abide by the same wage, hiring, and procurement practices that the developer implemented.

Examples of CBAs that required commercial tenants to hire local and minority workers in addition to the developer's commitment to do so include the [LAX redevelopment](#), and the [Oakland Army Base project](#).

6. SIGN AND ENFORCE A PROJECT LABOR AGREEMENT, LABOR PEACE AGREEMENT, OR COMMUNITY BENEFITS AGREEMENT

A project labor agreement is a collective bargaining agreement that essentially guarantees that developers will use union labor for a

project. A labor peace agreement is a contract promising that an employer will not interfere with its employees' organizing. Developers and communities can create their own labor agreements that benefit the community and include some of the requirements described in this section.

As noted above, CBAs include many of the guidelines in this section. Establishing a new CBA with a community may not always be possible, but when developers have the resources available, it is the best practice. There are a number of resources to help create a successful CBA, including analysis of what has not worked in the past. The [Partnership for Working Families](#) is a leader in this area of work.

Any agreement signed by the developer and other stakeholders should have clear terms for enforcement and accountability. [Clawback provisions](#) are an example of an accountability measure in which public subsidies can be reclaimed by government agencies if developers fail to adhere to the terms of a contract.

7. PROVIDE APPRENTICESHIP PROGRAMS (IN PARTNERSHIP WITH LABOR UNIONS)

Labor agreements, which are typically negotiated by union representatives, can be controversial in some cases. Requiring union labor helps to ensure that unionized workers receive good wages and benefits, including job and safety training. However, labor unions have specific employment pipelines, meaning that those "good jobs" will likely not be

available to local or disadvantaged residents. Furthermore, the construction trades have [historically lacked diversity](#), excluding racial and ethnic minorities and women from their ranks. The recent push for apprenticeship and [pre-apprenticeship](#) programs has seen an increase in young people of color and women pursuing careers in construction.

high school students. In the [Hollywood and Highland redevelopment](#) in Los Angeles, CA, the developer created a job center on site so that employment specialists could funnel qualified applicants into jobs on the project and direct those who needed training to workforce development programs.

Developers have the opportunity to expand access to good jobs in local communities by collaborating with organizations (union and otherwise) that provide apprenticeships, career-oriented job opportunities, and professional development.

Developers have the opportunity to [expand access to good jobs](#) in local communities by collaborating with organizations (union or otherwise) that provide apprenticeships, career-oriented job opportunities, and professional development. In the [Midtown Exchange Project](#) in Minneapolis, MN, for example, the developer worked with the Minneapolis Employment and Training Program and the local building trades council to establish a strong pre-apprenticeship program for local

Resources

The [Building America While Building Our Middle Class](#) report examines in detail the value of apprenticeship programs and recommends apprenticeship utilization requirements for infrastructure projects.

There are a number of guides for employers looking to create apprenticeship programs, including guides from the [American Institute for Innovative Apprenticeship](#) and the [Manufacturing Institute](#).



Designated Space

All publicly-accessible spaces in a development project have the potential to contribute to the social and economic wellbeing of neighborhoods and disadvantaged groups. A designated space can address a wide range of inequalities, from access to services to economic opportunity. A project that includes an affordable health clinic, for example, can help to address inequalities in health care access and health outcomes. Designating space for a Minority and Woman-Owned Business Enterprise (MWBE) can help to address inequalities in business development.

These guidelines provide different options for designating space. Designated space can be included in almost all types of projects, except for those with limited public use such as heavy industrial projects. Every example of designated space included herein is accompanied by examples of inequalities that can be addressed by including the space in a project.

Designated Space Guidelines

1. DESIGNATE SPACE FOR A COMMUNITY ASSET THAT MEETS A DEMONSTRATED NEED

A community asset can be a physical space that fosters civic engagement, a service that addresses an existing inequality, or a business that supports the local economy. In order for a community asset to qualify as a designated space, it must meet a demonstrated need. Demonstrated needs should be identified through research, consultation with local partners, and/or direct engagement with the community, as described in the Planning Process section of the guidelines.

In addition to identifying the needs of the local community, developers may also consider citywide inequalities and priorities that can be addressed through their projects. Citywide and neighborhood disparities exist in many different areas of urban life, including those identified in the Equality Indicators: economy, education, health, housing, justice, and services (e.g., transportation, parks, and arts).

With an understanding of the needs of the local community and the inequalities faced by disadvantaged groups at the neighborhood or city level, developers should then demonstrate how the creation of a designated space responds to one or more of those needs or inequalities.



The Houston Street Center is an example of a community center that was built in partnership with community-based organizations and that uses flexible space to serve different groups of people in the neighborhood.

Source: Wikimedia Commons: https://commons.wikimedia.org/wiki/File:University_Settlement-Houston_Street_Center.jpg

Examples of designated space:

➤ A **community center** may address inequalities related to civic engagement, neighborhood cohesion, and access to services provided by community organizations.

The Houston Street Center is an example of a community center created as part of a mixed-use development that includes both luxury and affordable housing, in addition to retail. The Center is owned and operated by a partnership between University Settlement

health, education, and other areas that evolve as communities change and grow. The joint partnership between University Settlement and the Chinatown YMCA highlights the benefits of providing flexible space that can be used in multiple ways. A space that can be shared by different groups of people, such as children, adults, and senior citizens, can help to foster relationships among neighbors.

➤ A **school** or educational nonprofit may address inequalities related to education outcomes.

With an understanding of the needs of the local community and the inequalities faced by disadvantaged groups at the neighborhood or city level, developers should then demonstrate how the creation of a designated space responds to one or more of those needs or inequalities.

and the Chinatown YMCA. From the beginning, these partners worked with the developer to maximize the utility of shared space so that it could be used by both organizations for different purposes, including fitness facilities, continuing education classes, meeting spaces, and after-school programs.

The Houston Street Center is also a good example of the added benefit of creating partnerships with and among community-based organizations (CBOs) and of making space flexible to serve multiple purposes. It is based on the settlement house model, which is rooted in a history of service provision in

The East Harlem Center for Living and Learning is a mixed-use development that includes the DREAM K-8 charter school, which serves 450 students with a preference for children living in nearby public housing or the East Harlem neighborhood. The project was developed in partnership with Harlem RBI, a local youth organization. Harlem RBI helped to identify the community need for educational facilities. The project also includes office space for Harlem RBI, fulfilling a separate guideline in this section.

➤ An **arts or cultural institution** may address inequalities related to access to arts educa-

tion for children and youth. Research from the [National Endowment for the Arts](#) touts the benefits of involvement in the arts, particularly among students with low socioeconomic status. Furthermore, an institution that provides culturally relevant programs and features the work of local artists can serve as an important community space for education and engagement.

The Children’s Museum of Pittsburgh was recently featured in the [New York Times](#) as one of a number of museums around the country that are leasing space to other organizations. The Children’s Museum of Pittsburgh includes space at reduced rents for a public school, an educational nonprofit, and a radio organization.

► A **library** may address inequalities related to education, internet access, economic opportunity, and civic engagement.

The [Bronx Library Center](#) opened in 2006 to replace the former Fordham Library and

meet a growing demand for both space and programming. The library expanded annual circulation and created the Latino and Puerto Rican Cultural Collection of bilingual books. It also provides a range of services, including English classes, financial counseling, and an auditorium that hosts public events for the community.

► **Manufacturing space** can provide jobs for disadvantaged groups directly, addressing inequalities in employment and income. Depending on the types of manufacturing jobs created, the disadvantaged groups that might benefit include individuals with a low level of education or involvement with the criminal justice system.

The [Brooklyn Navy Yard](#), a city-owned industrial park generating \$2 billion in annual economic output, is undergoing an expansion that aims to double employment by 2020. Four of the development projects listed on the [Brooklyn Navy Yard website](#) promise to create 9,000 jobs. The Yard also includes an

Retail diversity & co-location

In some neighborhoods, demonstrated needs might include retail diversity. Particularly in areas experiencing the proliferation of a limited type of retail (for example, restaurants, bars, and coffee shops), ensuring that different types of retail remain accessible to local residents is an important way of addressing community needs. Preserving and enhancing retail diversity in a neighborhood can also address inequalities in commuting and transportation when more of a resident’s daily needs are in close proximity to home. Locating retail and other services near each other can decrease necessary travel time and improve access, especially for disadvantaged groups such as senior citizens and individuals with physical disabilities.

[employment center](#), connecting people to the thousands of jobs the industrial park provides and providing job training in partnership with Brooklyn Workforce Innovations.

2. DESIGNATE SPACE THAT IS ACCESSIBLE, AFFORDABLE, AND CULTURALLY RELEVANT

In most projects, designated space should be open to the wider community, with the exception of retail or office space for certain businesses and organizations. Spaces that are accessible only to the occupants of a building, such as a private garden or recreation facility, do not qualify as designated space. Some private spaces might qualify under guidelines in other sections, such as spaces that house supportive services in affordable housing projects or that follow active design standards. Designated space, however, must serve the public, including the surrounding neighborhood and citywide disadvantaged groups.

Another crucial component of designated space is that it is affordable to the people it is meant to serve. A high-end grocery store within a mixed-use development in a low-income neighborhood, for example, would not qualify as a designated space. Although it would provide healthy food options, if those options are not financially available to groups facing food insecurity or other economic and health inequalities, this grocery store would not contribute to equitable development.

Finally, developers should make an effort to select building tenants that provide cultur-

ally-relevant goods, services, and programs for the community. When building a project in an immigrant community, for example, a retail space that caters to the local immigrant population might qualify as a designated space. In neighborhoods experiencing displacement of local businesses, particularly ones that provided culturally relevant retail, this consideration is even more important.

Examples of designated space:

► An **affordable grocery store** can help to address inequalities related to food access, health, and poverty by increasing the availability of fresh food. Depending on the local neighborhood context, ensuring that food items are both affordable and culturally relevant might be an additional consideration.

[CUNY Graduate School of Public Health and Health Policy](#) research recently illuminated the need for affordable and culturally relevant grocery options in East Harlem. In 2013, with the help of Food Retail Expansion to Support Health (FRESH) incentives for developers to designate ground-floor space for supermarkets, [Super Fi Emporium](#) opened in East Harlem, increasing food access in the neighborhood and creating local jobs. Another FRESH project, [Strivers Plaza](#), was recently completed in Central Harlem.

► A **health center** may address inequalities related to access to and quality of health care, including indicators of mortality and wellbeing.



The proposed Healthview Pavilion in Flushing is an example of a project that would address the health needs of the local neighborhood through culturally relevant services.

Source: NYC EDC, <https://www.nycedc.com/press-release/mayor-de-blasio-announces-plans-65-million-community-health-center-flushing>

The Charles B. Wang Community Health Center recently announced plans to build a new facility in Flushing, Queens. Charles B. Wang has been a leader in health care for Asian and Asian American New Yorkers for decades. It provides affordable health care as a federally qualified health center, and its staff are fluent in many languages, including Mandarin, Vietnamese, and Korean. Its services help immigrants and English language learners to overcome language barriers in accessing health care, and its community health programs help to address health outcomes that disproportionately affect Asian and Asian American New Yorkers (such as chronic Hepatitis B).

3. DESIGNATE SPACE FOR A LOCAL NONPROFIT OR COMMUNITY-BASED ORGANIZATION

Developers may designate space for a local nonprofit or a CBO that serves the surrounding neighborhood or citywide disadvantaged groups. An international nonprofit that

operates abroad would not qualify as a designated space, nor would a national research organization that does not provide direct services. Mission-driven for-profit organizations also do not qualify under this guideline, but they may qualify under another guideline in this or another section.

Designating space for CBOs can help them provide needed services, support community advocates' work in the neighborhood, and promote civic engagement among neighbors. Developers might also accompany designated space with substantive financial support in the form of a monetary donation, an in-kind donation such as furniture and furnishings, or a rent or mortgage deal that reduces the financial burden of the organization. A rent or mortgage deal should include clear terms in order to avoid future issues such as short-notice evictions. This guideline can benefit the developers or owners of a project by filling hard-to-rent spaces and, in some cases, allowing them to qualify for a tax benefit in the form of less taxable gross income.

The organization(s) to be housed in a project might be identified in the Planning Process, and in some cases, the organization might

become a partner in the project. The East Harlem Center for Living and Learning project noted above, for example, both provided space for Harlem RBI and worked with them to identify community needs.

4. DESIGNATE SPACE FOR DISADVANTAGED BUSINESS OWNERS

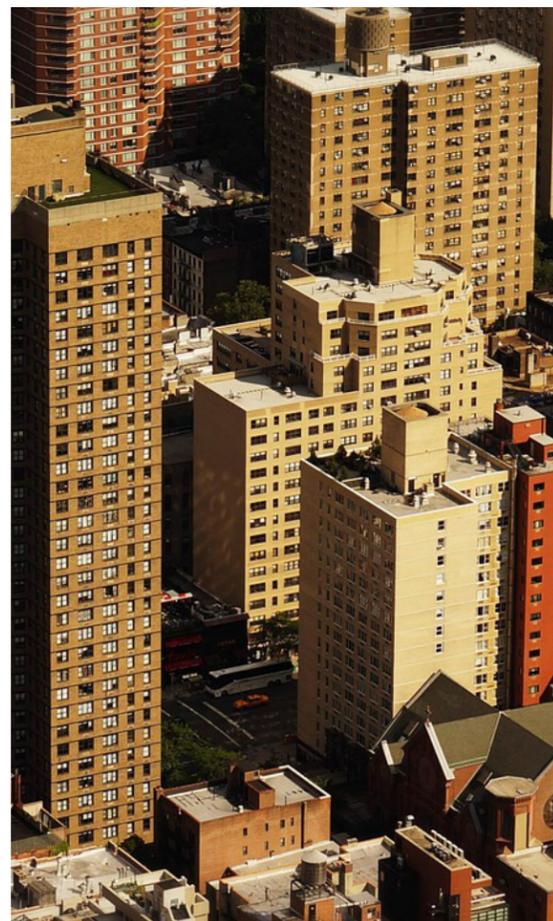
There are several categories of businesses that would qualify as tenants under this guideline: Minority and Women-Owned Business Enterprises, Emerging Business Enterprises, and Locally Based Enterprises (see the Employment and Procurement section for more information about these types of businesses).

Designating space for underrepresented or disadvantaged business owners can help to address inequalities in business ownership and economic opportunity.

Designating space for underrepresented or disadvantaged business owners can help to address inequalities in business ownership and economic opportunity. Selecting locally-owned businesses as tenants can also help to preserve and support the local economy because local businesses tend to recirculate more revenue within the community than national chain stores do. Furthermore, locally-owned businesses have been tied to enhanced community wellbeing and civic engagement. Local businesses can serve as meeting places and unofficial landmarks, carrying local significance as community

assets. Business owners with a stake in the community can also contribute to neighborhood safety and cohesion.

As with other guidelines in this section, potential tenants can be identified in the Planning Process, described earlier. In neighborhoods experiencing new development and gentrification, developers can prioritize businesses that have recently been displaced, including long-standing “mom-and-pop” stores or businesses that provide culturally-relevant goods and services to the local community.



Housing

Housing contributes to equitable development in many ways. Building affordable housing can help to address a growing concern for many communities, and this section will discuss some of the challenges and opportunities that developers should take into account. There are also a number of housing models and strategies, such as supportive housing and community ownership, that further serve and empower communities, increasing a project's potential to have a deep and long-term impact.

Lack of affordable housing is an issue in cities and states across the country. The [Joint Center for Housing Studies of Harvard University](#) reported that in 2014, more than one-third of U.S. households were cost-burdened, spending more than 30% of their income on housing; more than 16% of households were severely cost-burdened, spending more than 50% of their income on housing. A closer look at the housing affordability crisis reveals that renters, particularly extremely low-income and racial and ethnic minority renters, are more likely to struggle with the costs of housing. Almost half of renters in the United States are rent-burdened (spending over 30% of their income on rent), and a staggering 83% of the households with the lowest incomes (those making less than \$15,000) are rent-burdened. Indeed, [no county in the United States](#) provides enough affordable housing for extremely low-income renters. In [New York City](#), severe rent burden is experienced most acutely by Hispanic (30.1%), Asian (29.7%), and black (27.8%) New

Yorkers, compared to white New Yorkers (22.7%), although rates do not fall below one in five for any of these groups.

Policy Context

Affordable housing is a complex policy issue at all levels of government. There are research organizations that specialize in affordable housing policy, including the [NYU Furman Center](#) and the [Urban Institute](#), whose reports are highly relevant to the guidelines in this section. Some of the policy tools used by the public sector to incentivize and subsidize the development of affordable housing are explained here.

The [Low-Income Housing Tax Credit program](#) is the largest federal program designed to produce and preserve affordable rental housing. The program offers investors federal tax credits (equity) in exchange for the development of affordable housing units, typically managed by the state. State and local administrators set the program goals, which allows them to customize the program to the local needs of the area. Some states might focus on target populations of renters while others might focus on certain types of projects or certain geographic areas.

[Inclusionary zoning](#) requires new market-rate development projects to include a minimum percentage of affordable units that remain affordable for a set period of time. [Local governments](#) might offer incentives to offset the extra cost of providing affordable units, such as density bonuses that allow developers to build taller buildings and gain more revenue. New York City recently enacted [Mandatory Inclusionary Housing](#), requiring developers building residential projects in certain neighborhoods to set aside a portion of the units for permanently affordable housing.

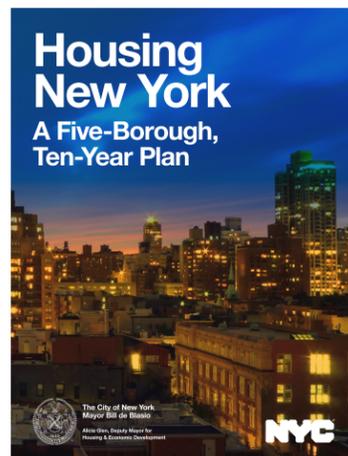
[Housing trust funds](#) are public sector tools designed to provide financial resources for affordable housing development. A state or local agency is normally responsible for the collection and distribution of the fund's resources. The fund's sources might include real estate transfer taxes, accumulated interest from real estate transactions, and penalties from real estate excise taxes.

None of the abovementioned policies and tools provide a perfect solution to the growing need for affordable housing. In New York City and other places facing affordability crises and the pressures of gentrification and displacement, it is difficult to meet the needs of all stakeholders. Although developers may not be able to incorporate all of the following guidelines in one project, each best practice can contribute to equitable development in some way. It is important to consider what the trade-offs are when prioritizing which guidelines to follow, including the potential impact on different disadvantaged groups. Ultimately, these guidelines aim to push new development projects beyond the minimum requirements for public incentives.

Housing Guidelines

1. MAXIMIZE THE NUMBER OF AFFORDABLE UNITS

Development projects that include housing should maximize the number of units that are affordable. A project that is 100% affordable is the ultimate goal, but it is often more financially feasible to balance a combination of affordable and market-rate units in one project. There are existing policy mechanisms to create more affordable housing units, including the Low-Income Housing Tax Credit program and inclusionary zoning.



2. MAKE HOUSING UNITS PERMANENTLY AFFORDABLE

One component of the affordable housing crisis in New York City and other places is the expiration of affordable housing units. Many forms of publicly-subsidized, privately-owned affordable housing are only affordable for a set period of time. A 30-year life span is touted as long-term affordability, but the recent and upcoming expiration dates on projects developed in New York City in the last few decades will exacerbate an already dire need for affordable housing citywide. Therefore, it is critical to include permanently affordable units in projects. In some cases, permanent affordability can be achieved using alternative housing models, some of which will be discussed later in this section.

In 2014, Mayor de Blasio released the Housing New York plan to create and preserve 200,000 affordable housing units in ten years. In 2017, the Mayor released Housing New York 2.0, committing to a new goal of 300,000 units by 2026.

Source: NYC HPD, <http://www1.nyc.gov/site/hpd/about/housing-plan.page>

3. INCLUDE DEEPLY AFFORDABLE UNITS

Development projects should also maximize the level of affordability of housing units, making them accessible to low- and extremely-low income residents. This guideline is sometimes at odds with the first guideline in terms of financial feasibility, and developers should be intentional about which guideline to prioritize. The level of affordability is particularly important in a place like New York City where affordable housing is in short supply for individuals and families in multiple income brackets. The Housing New York plan aims to build or preserve 200,000 units in ten years,

but meeting this target might come at the expense of affordability for the lowest-income New Yorkers. Recent changes to the housing plan and the 2017 plan update indicate progress toward addressing this issue.

In some neighborhoods, the affordable housing debate focuses on the tension between the affordability of new units and the income levels of neighborhood residents. For example, if a project provides units that are affordable at 60% of the area median income (AMI) but the majority of neighborhood residents have incomes at 30% AMI, the question becomes for whom is the project affordable. At the same time, tying the level of

Area median income in New York City

Area median income (AMI) is the metric calculated by the U.S. Department of Housing and Urban Development (HUD) to determine the appropriate level of affordability for subsidized housing in a given region. A region's AMI is calculated annually and is based on the combined average household income of its residents at different household sizes. All household incomes can then be measured as a percentage of the city's AMI. For example, New York City's 2017 AMI was \$95,400 for a four-person household, so a household of the same size that earned \$28,620 annually had an income at 30% AMI. New York City's Department of Housing Preservation and Development creates local standards for affordable rental properties based on HUD's AMI calculations. For example, a four-person household at 100% AMI should be able to afford \$2,406 in monthly rent for a three-bedroom unit, while a household at 30% AMI can afford \$594 in monthly rent for a three-bedroom unit.

The challenge with using AMI in New York City is that the calculation includes the median income of several wealthy suburbs within the metropolitan region, effectively skewing the numbers so that more than half of NYC households actually sit below the city's assigned AMI. This means that even when developers or city agencies create housing projects that meet the set standards of affordability, it is often the case that those "affordable" rents are still too high for the people living in certain neighborhoods.

Joint Ownership Entity

Nonprofit developers are perhaps best suited to meet the demands of the lowest income residents; however, it is challenging for them to compete for financing and public contracts. In New York City, the Joint Ownership Entity (JOE NYC) aims to address this issue. JOE NYC was founded by a group of community development corporations to assist in securing financing for their development projects, thus ensuring the long-term affordability of their properties and increasing stability in the communities in which the projects are located.

affordability to neighborhood income levels may not achieve the intended outcome when an affordable housing project is located in a moderate- or high-income neighborhood. Therefore, this guideline calls for “deeply” affordable units that are available to low- and extremely-low income renters specifically, regardless of where a project is built.

4. PROVIDE SUPPORTIVE HOUSING UNITS

Supportive housing units benefit specific disadvantaged groups that need affordable housing as well as on-call services to maintain a healthy lifestyle. These groups include the formerly homeless, those with mental illness or substance use issues, and those with chronic illnesses. On-site services range from health management programs, to job assistance, to educational classes. Supportive housing typically requires a nonprofit partner to provide and manage the services. Settlement houses are important service providers and potential partners for developers. In addition, some community development corporations specialize in supportive housing, including Nazareth Housing in New York City.

Supportive housing is incredibly important in neighborhoods with residents facing displacement and homelessness, as well as in naturally occurring retirement communities with aging populations.

5. EXPAND OPPORTUNITIES FOR HOMEOWNERSHIP AND COMMUNITY OWNERSHIP

Much of the debate and policy around affordable housing focuses on renters, which is appropriate for a city like New York in which two-thirds of the population rent rather than own. However, expanding opportunities for homeownership to disadvantaged groups that have faced historical, structural barriers is also an important component of equitable development. Projects that include affordable units for homeownership can help to address stark inequalities faced by groups such as racial and ethnic minorities and lesbian, gay, bisexual, transgender, and queer individuals and couples.

Beyond individual homeownership, community ownership is an even stronger model for building permanent and deeply affordable

housing. As affordable housing becomes scarcer and existing policy is unable to meet increasing demand, developers should consider alternative housing models. These models are also important tools for mitigating displacement in gentrifying neighborhoods.

The first such model is the community land trust (CLT). CLTs establish affordable resident ownership of housing units and local control of land and other resources. A nonprofit usually obtains the land at low or no cost and maintains control over the land for the benefit of the community. When housing is developed on the land, prospective homeowners

Beyond individual homeownership, community ownership is an even stronger model for building permanently and deeply affordable housing.

enter into a long-term, renewable lease of the housing unit (excluding the land), instead of a traditional sale. The CLT determines resale values for all units in the project, keeping the units affordable for future owners. CLTs are typically governed by building residents, community members, and other stakeholders.

There are around 250 CLTs operating in the United States today, and local governments are starting to prioritize this model in their efforts to provide permanent, community-owned affordable housing. In New York City, for example, the Department of Housing Preservation and Development recently announced funding to support the formation

and expansion of CLTs in certain neighborhoods. As with many other equitable development initiatives, successful partnerships are critical, and there are NYC-based organizations leading the way for CLTs. The NYC Community Land Initiative, for example, is a network of organizations dedicated to establishing CLTs and providing resources and education for interested stakeholders.

Developers interested in building projects in partnership with CLTs can utilize some of the resources provided by local organizations, as well as national-level research such as a report from the Institute for Community Economics.

In a limited equity housing cooperative, residents form a corporation that shares ownership over a building. This model is different from a traditional co-op in that it limits the purchase price and appreciation rate of a share to maintain affordability. While owners enjoy most benefits of ownership, they are not allowed to sell their units at market price. Owners are shielded from market fluctuations, so that while they do not reap the benefits of market increases, they are also protected from market decreases.

Both CLTs and limited equity housing cooperatives are examples of programs based on shared equity homeownership, which aims to

Equitable access for affordable housing residents

In 2013, Extell Development Company released its city-approved plans to construct a luxury-housing tower in New York City with 20% of its units priced for households making 60% AMI, allowing the developer to qualify for a tax-abatement program. Rather than integrate the affordable units into the overall scheme of the building, however, the developer designated separate entrances and spaces for market-rate renters and residents of the affordable units. This design effectively created two separate buildings: the luxury side had access to amenities like gyms, a swimming pool, a movie theater, a door attendant, outdoor space, and a luxury lobby, while the affordable side did not. This project sparked a national debate about whether design and development contribute to class divisions, but the practice of excluding rent-regulated tenants from services and amenities is not unique to this project. New York City recently banned this practice for all projects tied to the same tax-abatement program.

Equitable development requires that building amenities, services, and spaces are accessible to all residents. Developers building affordable housing should avoid “poor doors” and similar exclusive design practices that exacerbate rather than reduce inequality.

provide affordable housing with reasonable potential for equity growth. In general, this type of ownership places restrictions on the amount of appreciation that a homeowner can retain on her/his unit, keeping units affordable even in areas with steep market increases. Developers or partner nonprofit organizations often subsidize initial home purchases.

6. RESERVE A PERCENTAGE OF UNITS FOR EXISTING DISADVANTAGED RESIDENTS OF THE NEIGHBORHOOD

In some projects, it might be appropriate to prioritize local residents when selecting tenants of new affordable housing units. New York City’s community preference policy grants priority to current residents of the local

community district for units available through the city’s affordable housing lottery. Proponents of the policy point to the ability of local, low-income residents to avoid displacement as neighborhoods develop. Opponents, on the other hand, argue that the policy perpetuates the segregation of NYC neighborhoods. This debate points to a larger issue regarding the Fair Housing Act, which mandates nondiscriminatory housing program administration. Fair housing advocates have brought lawsuits against local government in New York City and other places, claiming that their practices further segregation rather than preventing it. The legality and feasibility of this guideline will depend on case-by-case context, but when used appropriately, this practice could allow low-income or otherwise disadvantaged

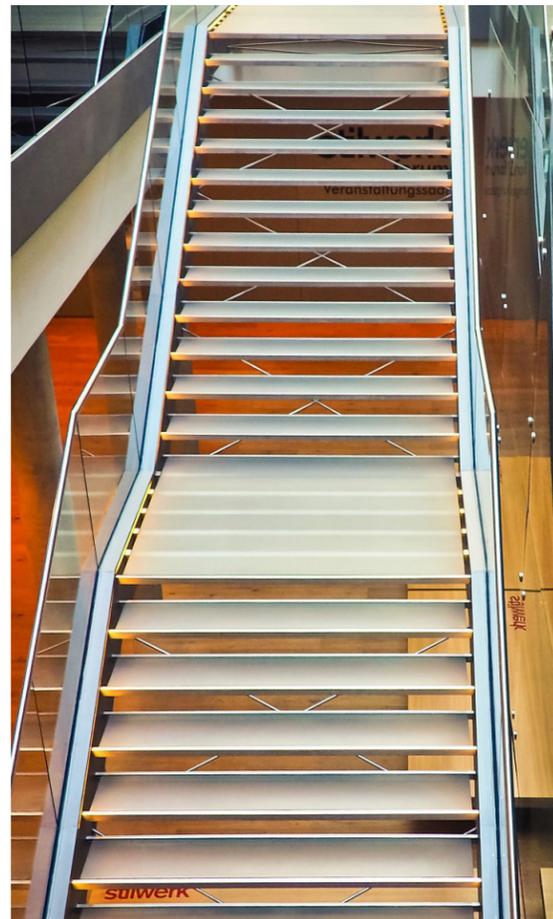
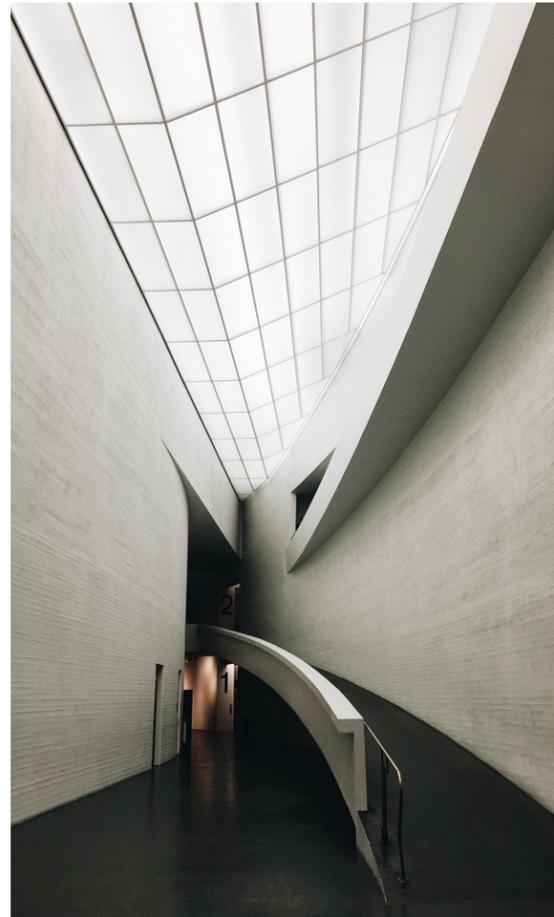
residents to stay in their neighborhoods and reap the benefits of new investment and development.

7. PROVIDE PROTECTIONS FOR EXISTING TENANTS OF REDEVELOPMENT PROJECTS

When existing affordable housing projects are demolished or redeveloped, there are a number of practices developers should follow to protect existing tenants and minimize direct displacement. Developers should provide existing tenants the first right of refusal or

Ultimately, these guidelines aim to push new development projects beyond the minimum requirements for public incentives.

right of return for a percentage of new affordable housing units, allowing tenants to move back into an improved building and maintain their homes. Existing residents should be given just compensation and/or adequate relocation assistance if asked to vacate their homes permanently or for the duration of the redevelopment. Finally, whenever possible, developers should provide temporary housing that is similarly affordable and in close proximity to the residence under redevelopment.



Design Standards

The siting, design, and construction of development projects can affect the health and wellbeing of building tenants and neighboring communities in many ways. At the same time, there are already numerous certification and guideline systems in place to measure and evaluate this impact with the goal of enhancing the environmental, social, and economic performance of buildings. While full participation in rating and certification systems like Enterprise Green Communities and LEED is not required for an equitable development project, developers are encouraged to work with project architects and engineers to fulfill as many criteria within these systems as possible. In addition, guidelines that have been established by researchers, designers, government agencies, and other relevant groups should be referenced and followed.

Below are summaries of some of the leading global, national, and NYC-based systems. The criteria in some of these systems, including Enterprise Green Communities, the Active Design Guidelines, and universal design, are all relevant to developers and designers interested in addressing inequalities in their projects. Other systems, particularly LEED, have the potential to address inequalities only if they are applied in conjunction with guidelines in other sections, such as providing

designated space or affordable housing. For all of these systems, we highlight specific criteria that can help to address inequalities. Some of these criteria exist in multiple systems, but the criteria we chose to highlight in each system emphasize the wide variety of design practices and principles that can benefit different disadvantaged groups.

ENTERPRISE GREEN COMMUNITIES

Enterprise Green Communities (Enterprise) is a sustainability rating system for new or rehabilitative affordable housing projects. Enterprise aims to encourage building strategies that are environmentally efficient and beneficial to resident health. The primary difference between Enterprise and other sustainability systems like LEED is that it focuses only on affordable housing. The system is based on the idea that affordable housing should be held to the same standards (and reap the same environmental and health benefits) as market-rate housing. Enterprise covers the costs of certification, making green building practices more accessible to affordable housing developers.

In addition to its focus on affordable housing, which inherently addresses inequalities in affordability, Enterprise's emphasis on resident health stems from the fact that low-income populations are more likely to suffer from health conditions related to poor housing conditions, such as asthma and

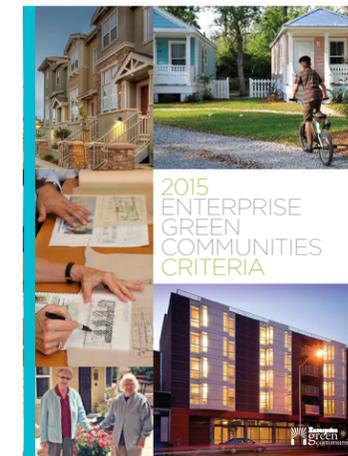
other respiratory illnesses. The certification system, therefore, is designed to address health inequalities faced by low-income individuals and families. For example, there are criteria related to mold prevention and integrated pest management, which are public health interventions that have been proven to reduce asthma rates. Furthermore, Enterprise has calculated the cost savings for developers and residents of certified projects.

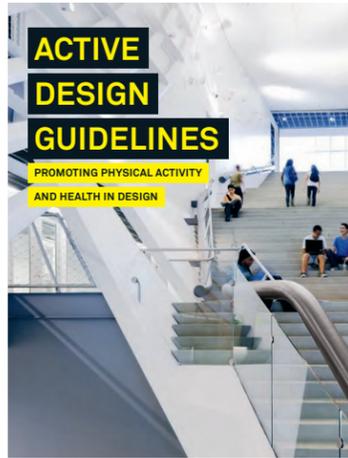
Enterprise has become the industry standard for affordable housing, and the NYC Department of Housing Preservation and Development now requires all new construction and substantial rehabilitation projects to comply with Enterprise criteria designed specifically for New York City.

ACTIVE DESIGN GUIDELINES

The Active Design Guidelines is a manual of evidence-based design principles and strategies for the built environment that promote physical activity and improve health outcomes. Created in 2010 by a coalition of NYC government agencies, the American Institute of Architects, and academic experts, the guidelines aim to address obesity, type 2 diabetes, and other public health epidemics associated with physical activity. The guidelines are the result of in-depth literature reviews conducted by national experts in architecture, construction, and design, and input from a series of interactive workshops

Source: Enterprise, <https://www.enterprisecommunity.org/solutions-and-innovation/green-communities/criteria>





Source: Center for Active Design, <https://centerforactivedesign.org/guidelines/>

indicates that adhering to the guidelines can help to reduce obesity and diabetes rates among groups that are most affected by these conditions, as well as to increase access to transit and healthy food.

In 2013, the Center for Active Design (CfAD) was created to promote the use of these guidelines through research, training, and annual awards. CfAD produced a policy brief in 2017 that highlighted the impact of active design in an affordable housing development project in the Bronx. Residents of the building showed better health than those at a nearby housing development without active design features. Stair use was much higher, and residents reported feeling safer and more inspired to be active around their residential area. CfAD has partnered with the Icahn School of Medicine at Mount Sinai to conduct further evaluations of buildings and spaces that incorporate active design, which will add to the evidence base for these design practices. CfAD is also now the licensed operator of Fitwel, a building certification system for health and wellbeing created by the Centers for Disease Control and Prevention and the General Services Administration.

UNIVERSAL DESIGN

Universal design refers to a design approach that aims to create environments and products that can be used by anyone without the need for adaptations. Starting in the 1970s,

hosted by design professionals. Each guideline is given one of three classifications based on the strength of the research underlying it (from most to least evidence): strong evidence, emerging evidence, and best practice. The focus on highlighting and building the research behind the recommendations is a key component of the guidelines' success.

The Active Design Guidelines can address inequalities in many ways, particularly inequalities in health outcomes related to physical activity. Many of the guidelines focus on the design of stairs, walking routes, and indoor spaces, such as playgrounds and fitness areas, that support physical activity. Others focus on active transportation infrastructure (such as bicycle routes and racks) and pedestrian amenities (such as good lighting, trees, or street furniture) that encourage activity outside the building. Still others address the need for grocery stores and other fresh produce outlets in communities that suffer from nutrition-related health issues. The evidence base provided in the guidelines



Source: NYC DDC, <http://www.nyc.gov/html/ddc/downloads/pdf/udny/udny2.pdf>

multisensory signage that includes as many languages as possible.

Incorporating universal design into development projects can help to address inequalities in access to buildings, amenities, and services for a range of disadvantaged groups, including individuals with physical disabilities, children, seniors, and English language learners.

While there is no certification program associated with universal design, there are resources such as Universal Design New York, an initiative that outlines universal design principles specifically for buildings and urban design projects. These principles include:

1. Equitable use for all abilities
2. Flexibility in use for a range of preferences
3. Simple and intuitive use that is easy to understand regardless of language or experience
4. Perceptible information that communicates clearly regardless of sensory abilities
5. Tolerance for error that minimizes hazard due to mistaken use
6. Low physical effort that does not cause fatigue
7. Size and space for approach and use that is usable by people of all sizes and mobility levels

the concept of universal design emerged alongside civil rights issues for people with disabilities. As legal requirements around accessibility gained much-needed traction, activists began to call for a broader, more fluid understanding of ability that acknowledged that people are differently abled at different times in their lives. Universal design goes beyond the traditional definition of accessibility by keeping in mind the needs of all users, regardless of age, size, or ability.

Over time, universal design groups have identified the standards and practices that provide ease of use for the largest possible population, all the while integrating aesthetics and good design. These standards include, and push beyond, the minimum requirements currently mandated by the Americans with Disabilities Act. Examples of universal design practices include ramp measurements that accommodate strollers as well as wheelchairs, pedestrian crossing areas that maximize safety for children and for slower-moving people, emergency exit plans and routes that are understandable for people of all sensory abilities and experience levels, and

Universal Design New York has developed an evaluation tool to audit buildings and spaces, scoring the usability of various design elements on a scale of 1-3 and calculating an overall score for a project.

DESIGN AND CONSTRUCTION EXCELLENCE 2.0

The NYC Department of Design and Construction (DDC) recently published a set of guiding principles for the design and construction of public buildings in New York City. The principles are divided into four sections: equity, sustainability, resiliency, and healthy living. The focus of the equity section is the concept of “design for all,” which mirrors other city-wide initiatives to create a more equitable city. The equity principles emphasize inclusiveness, accessibility, community engagement, cultural relevance, and flexibility in design.

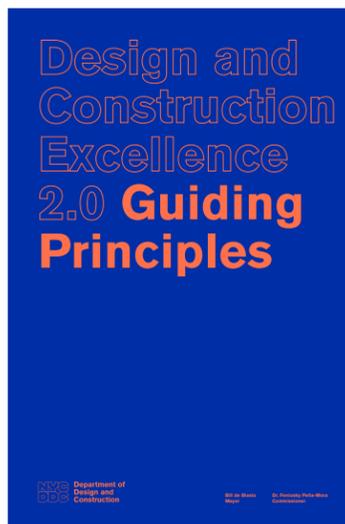
Design principles that can enhance the inclusiveness of a building include transparent

facades that welcome visitors, safe and comfortable spaces for people to rest, and flexible space for multiple uses. In order to ensure accessibility, DDC recommends clear wayfinding (such as signage and navigation aids) and building entrances that connect to existing forms of transportation. The principles focused on community engagement reflect some of the guidelines in previous sections, including addressing unmet needs and providing public, or designated, space for communities to gather.

The principles related to cultural relevance highlight some of the design and development strategies that can make a project more responsive to the surrounding community. One principle calls on designers to engage communities through collaborative design processes in order to enhance local understanding of the project and learn from a neighborhood’s history. Another principle emphasizes the importance of engaging local artists when including public art in a project. These principles are connected to some of the guidelines in the Planning Process section, and they reflect the movement within the field toward impact design.

The last set of principles in the equity section recognizes the evolution of communities and the need for public buildings to adapt to these changes over time. Currently, DDC’s guiding principles do not have clear mechanisms for implementation, but as DDC clarifies these principles and incorporates them into public

Source: NYC DDC, <http://www1.nyc.gov/site/ddc/about/guiding-principles.page>



projects, we will be able to better understand the impact of prioritizing equity in design.

LEED

LEED, or Leadership in Energy and Environmental Design, is the foremost green building certification system in the world. Launched as a pilot project by the United States Green Building Council in 1998, the system initially aimed to formalize sustainability in building design and construction. LEED has been updated several times since its establishment and the most recent version, LEED v4, awards points in several categories: location and transportation; sustainable sites; water efficiency; energy and atmosphere; materials and resources; indoor environmental quality; innovation; and regional priority.

Some of the benefits of LEED include healthier indoor environments and utility cost savings due to energy and water efficiency. The potential for LEED to address inequalities depends on who receives these benefits. For example, if the building is a community center that serves low-income youth in the neighborhood, the youth can benefit from

a number of criteria, including those that provide enhanced air quality, natural light, and reduced noise pollution. If a commercial building includes retail spaces owned by local small businesses, lower utility costs can help to support these businesses and keep them in the neighborhood.

Some LEED criteria can help to address inequalities more directly. While LEED certification is now possible for all types of building projects, the LEED neighborhood development (ND) category is particularly relevant in this context. LEED ND criteria include measures of access to quality transit and proximity between housing and jobs, both of which can benefit communities by reducing commuting times and costs. Criteria related to the location of a project and the surrounding neighborhood (for example, brownfield remediation, walkable streets, or access to civic and public space) also have the potential to benefit building occupants and the community overall. These criteria can address inequalities in areas such as neighborhood quality, safety, and civic engagement.

Critics of LEED point out that certification is not tied to building performance: once a building is certified, there is no follow-up to ensure that criteria continue to be met. Another criticism is the high cost of LEED, which includes high registration and certification fees and the option of hiring an accredited LEED professional to guide a project through the process. Nonetheless, LEED is

Source: USGBC, <https://new.usgbc.org/leed>



LEED pilot credits

The most recent version of LEED included three social equity pilot credits that award points for social equity within the community, the project team, and the supply chain. To earn these credits, a project must either complete the Social Economic Environmental Design (SEED) Evaluator or partner with a local organization to identify and implement strategies that improve social equity in one of these three areas.

This version also included three resilient design pilot credits, spearheaded by the Resilient Design Institute. They are more specific than the social equity credits and include assessment and planning for resilience, design for enhanced resilience, and passive survivability and functionality during emergencies.

While the inclusion of these pilot credits is an indicator of progress toward a more holistic assessment that includes measures of equity and resilience, each of these credits is worth only one point (out of a possible 110 points).

Passive House

Passive House is one of the most difficult green building standards to meet, but it is the only certification system that is entirely performance based. While systems like LEED focus on materials and energy usage during construction, Passive House certification measures energy performance and improvement throughout the lifetime of a building.

The passive building approach relies on an engineering and design model that maximizes a building's heating and cooling systems in order to minimize its energy needs. All passive buildings incorporate superinsulation, airtight envelopes, energy recovery ventilation, high performance windows, and solar gain management to create a very low-energy building. Passive house buildings have more comfortable temperatures for residents, better air quality due to filtering, and little to no marginal costs. They are also resilient to power outages, and are nearly carbon neutral.

Passive House is a relatively new system and is not yet nearly as widespread as LEED. There is also an outdated understanding of the cost of Passive House standards: initially, passive building was said to cost 6% more upfront, but as the cost of materials has gone down and design, engineering, and construction knowledge has expanded, the additional upfront costs are closer to zero. To the extent that energy cost savings are shared with building tenants, incorporating Passive House design into affordable housing or projects with designated space can help to address inequalities through lower utility bills.

an important model of building standards, in part because of its trajectory from a little-known system in a niche part of the design world to a widely recognized and sought-after accreditation that has changed the way the building and construction industries approach environmental sustainability. It continues to evolve and incorporate new measures of sustainability, and it pushes the boundaries of building standards in cities around the world.

Conclusion

These Equitable Development Guidelines provide best practices for developers that aim to build projects that have a positive impact on neighborhoods and cities, with a specific focus on the various disadvantaged groups that can benefit from good development decisions. We hope that these guidelines will be a useful tool for developers, but also for other development stakeholders, including community-based organizations, government agencies, finance institutions, and neighborhood residents.

The research, resources, and case studies highlighted in this document are intended to serve as the foundation for future research and collaboration to promote and incentivize equitable development.

If you are interested or working in this space, please send any questions, comments, or suggestions to equality@islg.cuny.edu.

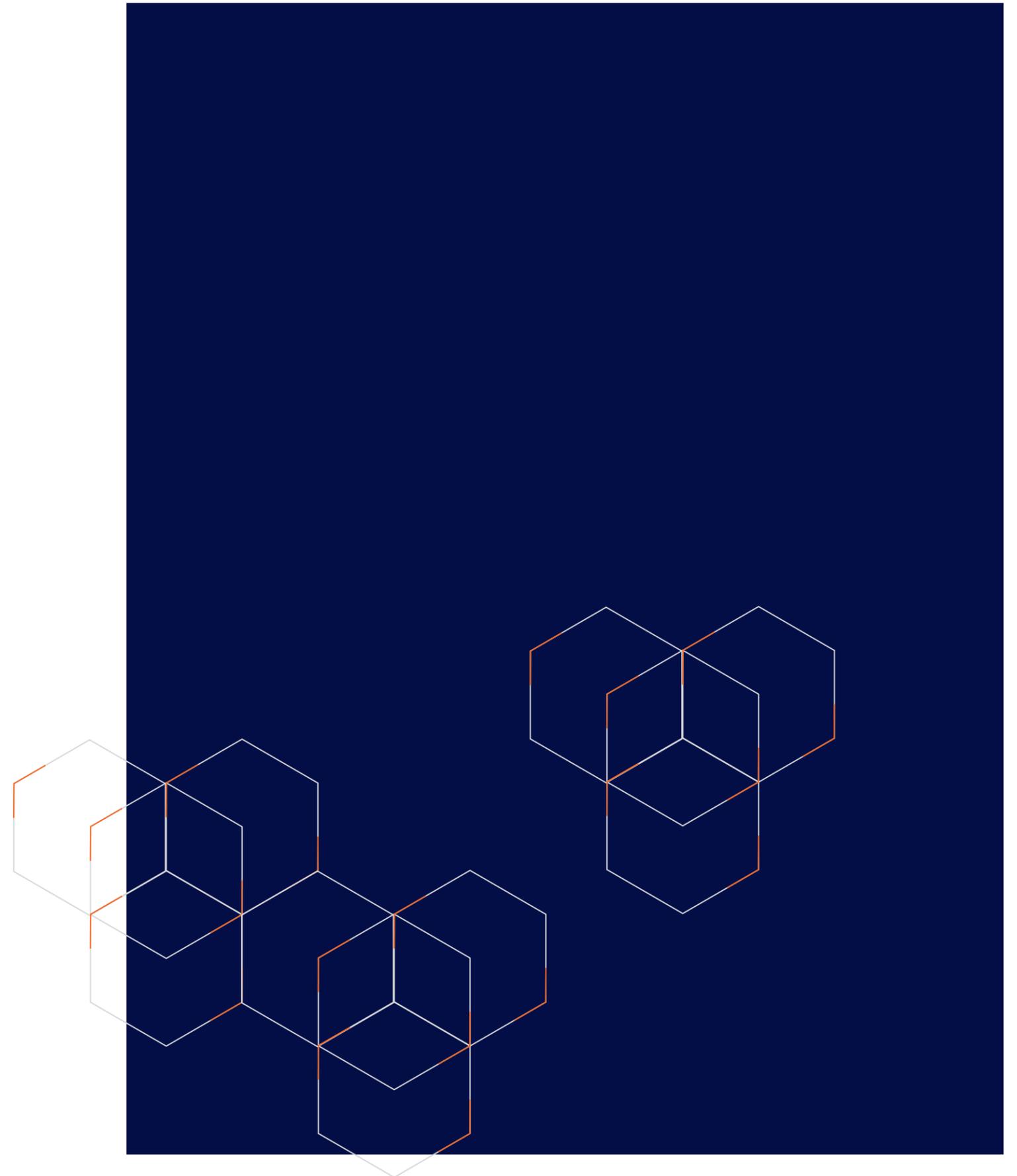
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