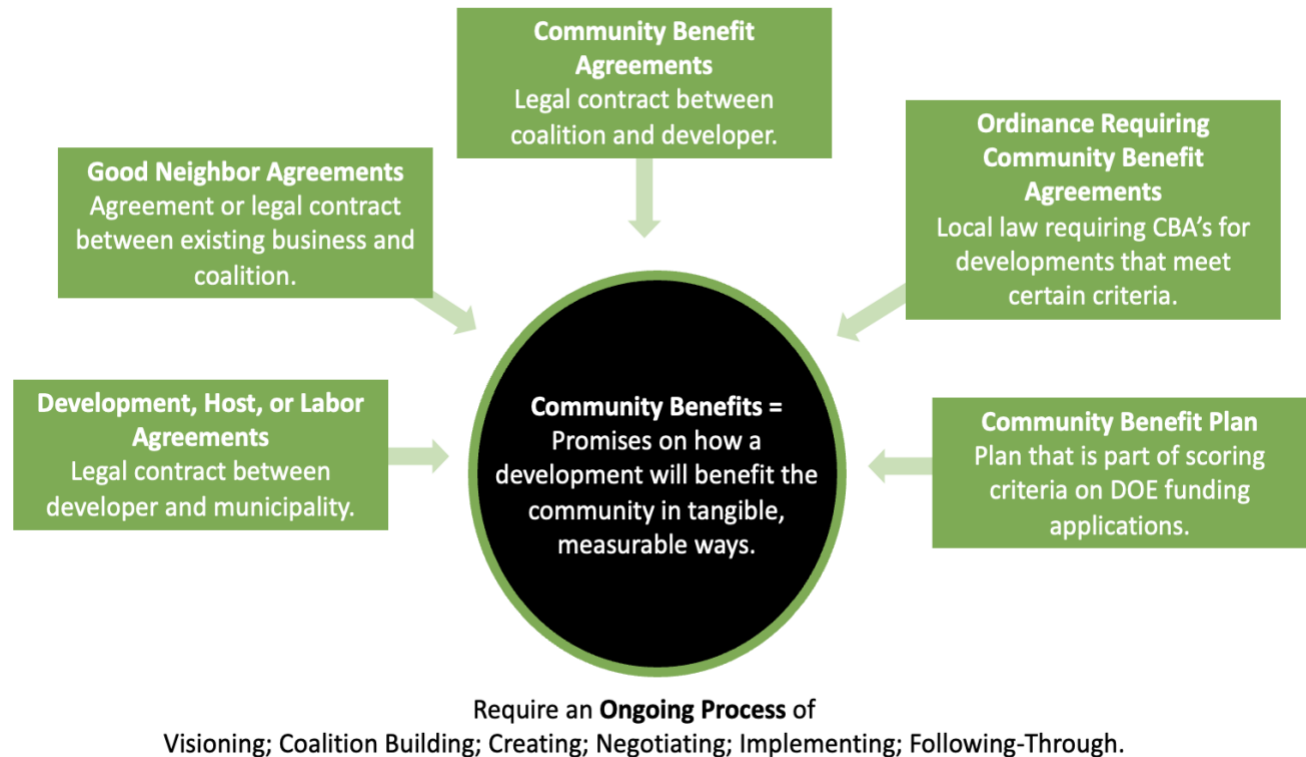


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Community Benefits Policies & Agreements

- Community benefits can include a range of levers that create a legal agreement for how a development or business will benefit the community in tangible and meaningful ways.
- Community benefits can include: Community Benefit Agreements, Development or Host Agreements, Good Neighbor Agreements, or Ordinances requiring Community Benefit Agreements.
- Community Benefits Agreements can help to make sure that the community has a say in setting the terms and conditions of new developments in their area.
- Community benefits can include a wide range of resources, services, and/or mitigations.



River point: Up, Mid, and Downriver – different types of community benefits may be more helpful in different situations.







- Upriver:
 - Lead a Community Benefits Coalition
 - Pass a Community Benefit Ordinance
- Midriver: Negotiate a Community Benefit Agreement
- Downriver: Negotiate a [Good Neighbor Agreement](#)

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COMMUNITY BENEFITS: COMMUNITY BENEFIT AGREEMENTS

- Specific levers that build relationships, change local laws to proactively require Community Benefits Agreements, and catch decisions early will be helpful for stronger Community Benefits Agreements and include:
 - Authentic relationship building
 - Co-create community vision.
 - Learn about your municipality, who holds power, and local laws.
 - Create or update local laws (ordinances)
 - Be part of local municipality
 - Engage and energize your relationships and community.
 - Attend meetings & public hearings and review local agendas and public notices.
 - Develop strategic messaging.

Examples of Benefits found in Community Benefits

<ul style="list-style-type: none"> • Local hiring • Living wage commitments • Job training • Right to organize commitments <p>Jobs & Labor</p> 	<ul style="list-style-type: none"> • Investment or commitments to affordable housing • Commercial retail • Local businesses prioritized • Community-preferred retail, like: drugstores, laundromat, grocery store <p>Affordable Housing & Preferred Retail</p> 	<ul style="list-style-type: none"> • Open space • Green spaces • Access to river and waters • Public art • Lighting • Noise • Construction hours • Traffic & parking <p>Quality of Life</p> 
<ul style="list-style-type: none"> • Funding for community services • Childcare center • Health center • Art center or school <p>Community Funding & Services</p> 	<ul style="list-style-type: none"> • LEED or environmental building certification • Ongoing air monitoring • Covering soil and trucks • Renewable energy • Flood or water mitigation <p>Environmental Benefits</p> 	<ul style="list-style-type: none"> • Including youth • Creating advisory councils • Clear and measurable outputs • Follow-up and accountability processes • Clear and transparent decision-making processes <p>Inclusive Decision-Making</p> 

Strengths & Skills that can pull lever:

- Relationship Building & Feeling
- Influencing & Motivating
- Thinking & Strategy
- Doing & Executing

Decision-Making Power: Community and Business Developer

Community Benefit Examples

The goal of this worksheet is to help you see possibilities and how other towns have used ordinances to create more green spaces and trees. You can use these ideas to figure out what solutions will work best in your town. It's important to know that most ideas will not get rid of the issue completely, sometimes getting your decision-makers to agree and pass your ideas will take time and advocacy, and the final idea needs to align with standards and other local, county, state, and federal policies.

The following ordinance examples show different ways that towns and cities have used local laws to protect the environment and work toward environmental justice. All are assessed for:

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COMMUNITY BENEFITS: COMMUNITY BENEFIT AGREEMENTS



<p>Practicality</p> <ul style="list-style-type: none"> • Ease to create and enact. • Affordability to municipality. • Has clearly defined measures of success • Potential preemption issues from state and/or federal laws. 	<p>Equitable</p> <p>Builds toward equity and social or political determinants of health. Includes addressing past harms and changing the future for racial, economic, LGBTQ+, immigrant & refugee outcomes:</p> <ul style="list-style-type: none"> • Physical and mental health and wellbeing. • Jobs & economic security. • Healthy and affordable housing. • Positive neighborhood environment. • Food security • Neighborhood safety. • Ongoing community input & participation. 	<p>Resiliency</p> <ul style="list-style-type: none"> • Protects the environment through healthy air and water, green spaces, and heat index. • Opportunities for youth • Opportunities for community connection & togetherness
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Example One: Community Benefit Agreement

<p>Oakland, CA - Decommissioned Army Base CBA (2012) The city owned an old army base that was a great place for development. This gave the community the chance to tie a CBA to the development. This CBA focused on local labor and jobs.</p>	
Practicality	<p>As a contract between the developer and the community, there are clearly defined signs of success.</p> <p>For this CBA signs of success are:</p> <ul style="list-style-type: none"> • Living Wages • Local Employment • Union Rights
Equitable	<p>The CBA required the developer to provide long-term, well-paying jobs for Oakland workers (50% of Oakland residents, 25% disadvantaged workers).</p> <p>Unionization is protected by the CBA.</p> <p>Job standards were developed by community group leaders with legal assistance from The Partnership for Working Families.</p>
Resiliency	<p>Youth leaders were part of building support, but the CBA does not have rules or incentives to create youth opportunities.</p> <p>No rules or incentives to protect the environment.</p> <p>Negotiation for this CBA required community relationships, but the CBA does not create rules or incentives to build community connection.</p>
Highlights	<p>Community members partnered with a nonprofit to write hiring requirements.</p> <p>The city owned the land and the developer needed city funding to make the project possible, giving the city more power.</p>

Example Two: Community Benefit Agreement

Los Angeles, CA - L.A. Live Community Benefits Agreement (2001)	
<p>A developer wanted to build a \$2.5-billion multi-purpose project in downtown Los Angeles. The size of this project made it a great opportunity for a CBA to help reduce issues of displacing residents, and to create local jobs. This CBA focuses on local labor, jobs, affordable housing, and public parks/green spaces.</p>	
Practicality	<p>As a contract between the developer and the community, there are clearly defined signs of success.</p> <p>For this CBA signs of success are:</p> <ul style="list-style-type: none"> • Living Wages • Local Employment • A developer-funded assessment of community park & recreation needs, and a \$1 million commitment toward meeting those needs • Union Rights • Affordable Housing • Job Training <p>Some of the indicators were not well defined, like the number of jobs reserved for local workers.</p> <p>The developer and community group must meet at 5 and 10 years after development to make sure the CBA is successful.</p>
Equitable	<p>The CBA brought job opportunities for residents. The CBA wasn't specific about what percentage of jobs should be held for local workers. Community members convinced the developer to have specific interview times for local workers. This helped to increase the number of locals who were hired. The exact number of jobs given to local workers in this case isn't clear.</p> <p>The community group and developer worked to make sure local workers were hired and that training was given to people who didn't have work experience.</p> <p>The CBA prioritized affordable housing. At least 20% of the housing constructed through the project was reserved for low-income families.</p> <p>Unionization is protected by the CBA.</p>
Resiliency	<p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to protect the environment.</p> <p>Negotiation for this CBA required community relationships, but the CBA does not create rules or incentives to build community connection.</p>
Highlights	<p>There was a lot of public support for the CBA and many people were involved in negotiation.</p> <p>There was a strong union presence in the negotiations.</p> <p>The authors of the CBA report say that funding for hiring community organizers to track progress should be considered as a part of future CBAs (Saito & Truong, 2015).</p>

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COMMUNITY BENEFITS: COMMUNITY BENEFIT AGREEMENTS



Example Three: Community Benefit Agreement

<p>San Diego, CA - Ballpark Village Project (2005) A new development project in San Diego created an opportunity for a CBA that could bring retail, housing, and office space to the area. This CBA focuses on local labor, affordable housing, and environmental protections.</p>	
Practicality	<p>As a contract between the developer and the community, there are clearly defined signs of success.</p> <p>For this CBA signs of success are:</p> <ul style="list-style-type: none"> • Local Employment (20% of construction jobs) • Affordable Housing (10% of units). • Investment in a job center. <p>The CBA creates a committee to assess progress toward goals.</p>
Equitable	<p>The CBA requires that 20% of the construction jobs go to local workers.</p> <p>Employees must be paid a living wage (\$10-12 per hour in 2005).</p> <p>The developer must provide a location for a Job Center and give \$1,500,000 for training.</p> <p>The developer must reserve 10% of the housing units developed by the project for affordable housing.</p> <p>The developer must give \$1,500,000 to build more affordable housing units.</p>
Resiliency	<p>The developer must give \$50,000 for arts and culture, including youth art programs.</p> <p>The developer must have all new buildings LEED certified and investigate the possibility of achieving higher LEED standards (bronze, silver, gold, platinum).</p> <p>The CBA requires a Hazardous Substance Remediation Plan.</p> <p>The developer must monitor air quality on the project site.</p> <p>The developer must use biodiesel in construction equipment when it is available and doesn't cost more than 110% of the cost of regular diesel.</p> <p>Developers must reduce dust exposure by covering soil mounds and trucks that move soil.</p> <p>Negotiation for this CBA required community relationships, but the CBA does not create rules or incentives to build community connection.</p>
Highlights	<p>The CBA includes many more environmental commitments than other CBAs.</p>

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COMMUNITY BENEFITS: COMMUNITY BENEFIT AGREEMENTS



Example Four: Community Benefit Agreement

<p>San Francisco, CA - Hunters Point Shipyard/ Candlestick Point Integrated Development Project (2008)</p> <p>A new project in San Francisco gave the community a chance to advocate for a community benefits agreement. This CBA focuses on local labor, jobs, affordable housing, and investments into community priorities.</p>	
Practicality	<p>As a contract between the developer and the community, there are clearly defined signs of success.</p> <p>For this CBA signs of success are:</p> <ul style="list-style-type: none"> • Local Hiring • Living Wages • Investments into Housing and Workforce Funds • Affordable Housing <p>The CBA creates a committee to assess progress toward goals.</p>
Equitable	<p>The CBA reserves ~31% of the housing built by the project for affordable housing (some for sale, some for rent).</p> <p>The developer agrees to contribute about \$27,300,000 to a Community First Housing Fund.</p> <p>The developer agrees give \$8,500,000 to start a Workforce Development Fund.</p>
Resiliency	<p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to protect the environment.</p> <p>Negotiation for this CBA required community relationships, but the CBA does not create rules or incentives to build community connection.</p>
Highlights	<p>The developer is required to contribute money to housing and hiring funds.</p>

Community Democracy River

COMMUNITY BENEFITS: COMMUNITY BENEFIT AGREEMENTS



Example Five: Community Benefit Ordinance

Detroit, MI	
This is a local law, or ordinance, that requires that eligible projects must negotiate a CBA with the Neighborhood Advisory Council for eligible projects.	
Practicality	<p>Project eligibility is determined by the cost/value of the project:</p> <ul style="list-style-type: none"> • Tier 1: The project costs: \$75+ million USD AND the project accepts tax breaks from the city (\$1 million USD or more) OR the project uses city-owned land that is valued at least \$1 million USD. • Tier 2: The project costs \$3+ million USD AND the project accepts tax breaks (\$300,000 or more) from the city OR uses city-owned land that is valued at \$300,000 or more. <p>The ordinance sets standards for enforcement including the establishment of an Enforcement Committee consisting of:</p> <ul style="list-style-type: none"> • a member of the Legislative Policy Division • a member of the HR Department • A member from the Law Department • a member from the Planning & Development Department • A non-voting member of the Neighborhood Advisory Council <p>Community benefits are not set by the ordinance but are determined and negotiated for each project by the Neighborhood Advisory Council, the Planning & Development Department, and the developer.</p>
Equitable	<p>This ordinance sets requirements for a Neighborhood Advisory Council to oversee each CBA, that includes 9 total members from the community:</p> <ul style="list-style-type: none"> • 2 community members living around the project. • 4 other community members selected by the Detroit Development Department • 3 additional community members, 2 to be selected by council-at-large members, and 1 to be selected by the council member of the district that is most impacted by the project. <p>Some benefits have included affordable housing, first-source hiring, and green space.</p>
Resiliency	<p>No rules or incentives to create youth opportunities.</p> <p>No rules or incentives to protect the environment, though environmental studies completed for the project must be provided to the Neighborhood Advisory Council and the City Council. [Note, the organizers who pushed for the original Detroit ordinance recommend adding additional benefits to be transparent and to mitigate environmental and health impacts in surrounding neighborhoods.]</p>
Highlights	<p>This ordinance was passed by a ballot measure. On the ballot were two competing community benefit ordinances – this example that was ultimately passed was the less progressive of the two. To see the story of this ordinance and the second ordinance option, take a look at this story shared by the Equitable Detroit Coalition and the Detroit People’s Platform.</p>

Example Six: Community Benefit Ordinance

Richmond, CA	
This is a local law, or ordinance, that creates a community benefits policy. The focus is on creating baseline benefits commitments for all development projects, and specific procedures for larger development projects.	
Practicality	<p>All projects that require some assistance or support from a private contractor are required to provide the following community benefits:</p> <ul style="list-style-type: none"> • Follow the municipality’s local employment program hiring practices. • Compensate workers under the city’s living wage ordinance. • Follow the city’s ordinance “ban the box” requirement – which means that employers cannot collect information of prior criminal convictions on employment applications. • Notify local businesses of contracting and purchasing opportunities. • Make a ‘good faith effort’ to give 25% of contracts to Richmond businesses. • Make a financial contribution to the Community Benefits fund (which is negotiated between the city and developer.) <p>A summary of all community benefits will be available to community members 14 days before the next City Council meeting, including project details, any public financial support or contribution, any property transfer information. The city then has a public meeting about the development at least seven days before the next City Council meeting.</p> <p>The ordinance creates a Community Benefit Fund. There are no details in the ordinance about how the fund will be managed. The fund can provide funding for quality of life; workforce development and small business assistance; amenities; programming in public spaces; represent interests of those most impacted residents; provide public or community services at low or no-cost.</p>
Equitable	<p>This ordinance includes baseline commitments that prioritize local businesses, local workers, and living wages.</p> <p>This ordinance also makes sure that those with criminal records are eligible for jobs and cannot be discriminated against due to prior convictions.</p> <p>There are specific uses of the Community Benefit Fund that can benefit low-income communities and those most impacted by the development, such as workforce development, low or no-cost community services, and meeting the needs of residents who live closest to the development.</p>
Resiliency	<p>No rules or incentives to create youth opportunities are part of baseline community benefit commitments. Youth opportunities could be created and paid for through the Community Benefits Fund.</p> <p>No rules or incentives to protect the environment are part of baseline community benefit commitments. Environmental protections could be paid for through the Community Benefit Fund.</p>
Highlights	Two community meetings were held to provide education to the broader community about what a community benefit ordinance is, and to gather input from community members about what should be a part of this local law.

Common Elements of Community Benefit Agreements and Ordinances

Inclusion of Community Members in Decision-Making:

The CBA needs community support for both the development project and the terms of the CBA. The CBAs that shown above each had a lot of people and community groups helping to negotiate and support them. Including the community after the CBA is passed can look like providing jobs to community members or creating arts and culture funds (like in the Ballpark Village CBA).

For specific ideas of how the community was involved in decision-making during the CBA negotiation, as well as after it was passed for ongoing implementation and enforcement, see these additional examples:

- [Hill District CBA](#) creates a list of the specific decision points that the coalition will be part of (page 12 of CBA)
- [LA Staples Center CBA](#) states the types of decisions and discussions that the coalition will be part of (page 107).
- [Nashville Major League Soccer CBA](#) has specific details about who will be part of the Community Advisory Committee to ensure community voices are at the table (page 7 of CBA).

Support between Developer and Coalition:

A CBA is an exchange of benefits for support. The [LA Staples Center Cooperation Agreement](#) shows concrete activities the coalition will do to show support for the Staples Center (page 4 of Cooperation Agreement).

Sometimes, the coalition is planning to do work in the future for the CBA to be successful and know they could use the developer's support as they start doing that work (for example, the coalition needing to purchase more land to meet their goals). [The LA Staples Center CBA](#) provides a concrete example of how the developer will support the coalition's future work (in this case, the developer states what activities they will do to support the Coalition's efforts to establish a new parking program – page 97 of CBA).

A Group to Oversee CBA for Ongoing Assessment and Accountability:

Some CBAs create an Implementation Committee that includes the developer and community members. This committee monitors progress in meeting the goals of the CBA. It is important to ensure that the people or organizations serving on the committee can serve for several years. It could be beneficial to create a paid position for monitoring CBA progress, though this is not always possible due to funding constraints.

Examples of ongoing Advisory Committees can be found in:

- [LA Staples Center CBA](#) (page 107 of CBA).
- [Nashville Major League Soccer CBA](#) (page 7 of CBA).

All CBAs require ongoing monitoring once the CBA is in place, as well as a process if one party is not meeting their responsibilities. The [Hill District CBA](#) lays out a clear 'next step' process of accountability steps as one example (page 13 of CBA).

Youth Involvement Opportunities:

Community Democracy River

COMMUNITY BENEFITS: COMMUNITY BENEFIT AGREEMENTS

CBA's can include opportunities for youth by offering retail jobs to teenage residents. Promoting and supporting the CBA is another great way to get young people involved in civic engagement. This was part of the Oakland, CA CBA.

Improving Environmental Conditions:

Some CBA's (like the Ballpark Village Project) have requirements for improving the environment (like getting buildings LEED certified), though many do not address the environment. If the community has environmental concerns about the project, this should be promoted within the CBA. The Ballpark Village CBA gives several good examples of how this can be accomplished.

Other CBA's create a process to develop park and green space. The [LA Staples Center CBA](#) shows a concrete example of how the developer will conduct a study and develop land for a community park (page 96-97 of CBA).

Creating Programs:

Labor: All the CBA's in this assessment include employment requirements for local workers. Sometimes called "first source hiring", this requires that a percentage of jobs be set aside for local workers. This is usually defined by zip-code. Some CBA's include requirements for job training for local workers, either to be provided by, or funded by the developer. Many CBA's require that workers be paid living wages. These wages can vary by location and agreement.

Affordable housing: is another common element of CBA's. If the project includes housing construction, a certain percentage of the housing may be reserved for low-income residents. Both the [LA Staples Center CBA](#) (page 103 of CBA) and the [Nashville Major League Soccer CBA](#) show examples of affordable housing requirements (page 4 of CBA).

One of the CBA's reviewed here included requirements for attracting a full-service grocery store to the area. This may be helpful for communities that are in a food desert.

For specific examples of how CBA's have set up requirements for future plans and programs:

- [Hill District CBA](#) - roles and responsibilities in developing a grocery store in the future – page 8 of CBA)
- [Nashville Major League Soccer CBA](#) – lists concrete activities the coalition and the developer will participate in for community benefits (such as volunteering and community funding – page3), and how the developer will set-aside space for a childcare facility – page 2 of CBA)

Additional Considerations:

Some CBA's include protection for unions. This is particularly important for construction jobs and some types of service jobs. This may be helpful to include in communities that want unionization or who already have a strong union presence. Existing unions may be helpful in negotiating the terms of the CBA, as can be seen in the L.A. LIVE case study.

The Role of the Municipality:

The municipality's role in negotiation can vary. Sometimes they help the developer and community leaders to negotiate, sometimes they are a major part of the negotiation, and sometimes they aren't part of the CBA contract. The city's role depends on what the developer chooses to agree to/who they agree to enter a contract with. The municipality may play a more active role if the developer requires funding, or if the city owns the land the developer wants to use

Community Democracy River

COMMUNITY BENEFITS: COMMUNITY BENEFIT AGREEMENTS

for the project. Municipalities that have certain assets (the city owns the land to be developed, or the developer requires funding from the city) may use them to negotiate the CBA.

As can be seen above, Detroit, Michigan has taken an active role in promoting CBAs by passing a Community Benefits Ordinance. Similarly, Cleveland, Ohio passed a resolution to create a committee of community members, City Council members, and city administrators to assess the benefits of an ordinance that requires CBAs, or CBA-like agreements, to be attached to development in the city of Cleveland. You can read more about the resolution [here](#). The result of the resolution was the introduction of a Community Benefits Agreement Ordinance that would require CBAs for projects or development receiving at least \$250,000 of financial assistance from the city. The ordinance acknowledges the many opportunities for development in the Cleveland area and the barriers of job and skill training. You can read more about the recently introduced ordinance [here](#).

Community Benefit Agreement Resource Bank: <https://reimagineappalachia.org/community-benefits/>

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- Fighting for Equity in Development: The Story of Detroit's Community Benefits Ordinance: <https://buildingmovement.org/wp-content/uploads/2019/08/Fighting-for-Equity-in-Development-The-Story-of-Detroits-Community-Benefits-Ordinance.pdf>
- Community Benefits Agreements: Making Development Projects Accountable: <https://goodjobsfirst.org/wp-content/uploads/docs/pdf/cba2005final.pdf>

This resource is part of Fair Shake Environmental Legal Service's Community Democracy River.

For more information and additional resources, tools, and levers, visit: <https://www.fairshake-els.org/community-organizing-resources>.

Community Democracy River

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- Common Challenges in Negotiating Community Benefits Agreements and How to Avoid Them: <https://citizensplanninginstitute.org/wp-content/uploads/2022/06/Effective-CBAs.pdf>