

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish, on an emergency basis, due to congressional review, an Office of Racial Equity to coordinate the District’s efforts to achieve racial equity and to require the Office to establish a Racial Equity Advisory Board to advise it and to serve as a liaison to the public; to establish a Commission on Racial Equity, Social Justice, and Economic Inclusion to advise the Council, to state the sense of the Council that it should include in its rules for Council Period 24 the establishment of a Racial Equity Program; to amend the Office of Human Rights Establishment Act of 1999 to require the Office of Human Rights, in coordination with the Department of Human Resources and the Office of Racial Equity, to provide racial equity training for District employees and District boards and commissions; and to amend Chapter 3 of Title 47 of the District of Columbia Official Code to require the Office of Racial Equity to coordinate with the Office of the City Administrator to design and implement racial equity tools to aid in eliminating racial disparities and to require the Mayor, beginning in Fiscal Year 2022, to include racial equity-related performance measures in the development of an agency’s annual performance plans and an evaluation of the use of racial equity tools in the annual performance accountability reports.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Racial Equity Achieves Results (REACH) Congressional Review Emergency Amendment Act of 2021”.

TITLE I. OFFICE OF RACIAL EQUITY; COMMISSON ON RACIAL EQUITY, SOCIAL JUSTICE, AND ECONOMIC INCLUSION.

Sec. 101. Definitions.

39 For the purposes of this title, the term “racial equity” means the elimination of racial
40 disparities such that race no longer predicts opportunities, outcomes, or the distribution of
41 resources for residents of the District, particularly for persons of color and Black residents.

42 Sec. 102. Establishment of the Office of Racial Equity.

43 (a) There is established an Office of Racial Equity (“Office”) within the Office of the
44 City Administrator. The purpose of the Office shall be to coordinate the District’s efforts toward
45 achieving racial equity.

46 (b)(1) The Office shall be headed by a Chief Equity Officer, who shall be appointed by
47 the Mayor with the advice and consent of the Council pursuant to section 2(a) of the
48 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-
49 523.01(a)).

50 (2) The Chief Equity Officer shall be a full-time position, for which annual
51 compensation shall be fixed in accordance with Title X-A of the District of Columbia
52 Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law
53 12-124; D.C. Official Code § 1-610.51 *et seq.*).

54 (c) The Office shall:

55 (1) Develop, provide oversight of, and advance the District’s goal of achieving
56 racial equity;

57 (2) Coordinate with the Office of Human Rights to produce racial equity training
58 materials to be distributed to all agencies of the District government;

59 (3) Coordinate with Executive agencies in the development of annual metrics and
60 a Racial Equity Action Plan or plans pursuant to subsection (d) of this section;

61 (4) Work with District agencies to promote inter-agency collaboration, problem-
62 solving, and cooperation relating to achieving racial equity;

63 (5) Advise the Council, the Mayor, and District agencies about racial equity in the
64 District, and recommend policies, programs, or regulations necessary to achieve racial equity;

65 (6) Develop and distribute information about racial equity, social justice, and
66 economic inclusion;

67 (7) Promote educational activities that increase the understanding of racial equity;

68 and

69 (8) Analyze the feasibility of expanding the Racial Equity Action Plan to include:

70 (A) The District's contracting and procurement process;

71 (B) The District's hiring and promotion process; and

72 (C) The development of effective systems to capture, coordinate, and
73 share racial equity data across agencies.

74 (d)(1) By October 1, 2022, and annually thereafter, the Chief Equity Officer shall submit
75 a multi-year Racial Equity Action Plan ("Plan") to the Mayor and the Council.

76 (2) The Plan shall be a formalized accountability plan, including specific
77 timelines, to be used by each District agency to advance racial equity in the performance of its
78 duties.

79 (3)(A) The Office shall hold a series of public engagement forums during
80 formulation and updating of the Plan to obtain public and expert input on the contents of the
81 Plan, including priorities for increasing racial equity in the District. The Office shall provide at
82 least 15 days written notice in the District of Columbia Register of any such forum.

83 (B) Each public engagement forum shall be held at an accessible evening
84 or weekend time and in an accessible location to maximize public participation.

85 (4) The Office shall take into consideration any comments submitted by the
86 Racial Equity Advisory Board established pursuant to subsection (f) of this section.

87 (5) By October 1, 2022, and annually thereafter, the Office shall include in the
88 Plan a report to the Mayor and Council on the Office’s efforts to coordinate actions, goals, and
89 District-wide investments within the Executive branch to further racial equity and provide a
90 summary of the programs and activities of the Office and an evaluation of the District’s efforts to
91 achieve racial equity.

92 (e) The Office shall accept public comment on any aspect of its functions and on any
93 policy or proposed policy of the District government relating to racial equity.

94 (f)(1) The Office shall establish a Racial Equity Advisory Board (“Board”) consisting of
95 9 community members to provide to the Office ongoing input on racial equity in the District and
96 to serve as a liaison between the Office and the public. The Board shall meet not less frequently
97 than quarterly and shall keep minutes of its meetings that shall be made publicly available, upon
98 request.

99 (2) Members of the Board shall be District residents and appointed by the Mayor
100 with the advice and consent of the Council pursuant to section 2(f) of the Confirmation Act of
101 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code 1-523.01(f)), with due
102 consideration given to individuals from established public, nonprofit, and volunteer community
103 organizations, community leaders, academic institutions, and other individuals who have shown
104 dedication to and knowledge of advancing racial equity or social justice.

105 (3) A member appointed pursuant to paragraph (2) of this subsection shall serve a
106 term of 2 years. A member may be reappointed but shall not serve more than 3 consecutive
107 terms.

108 (4) Individual members of the Board may be compensated for reasonable
109 expenses incurred in the performance of their official duties.

110 Sec. 103. Establishment of the Commission on Racial Equity, Social Justice, and
111 Economic Inclusion.

112 (a)(1) There is established a Council Commission on Racial Equity, Social Justice, and
113 Economic Inclusion (“Commission”) to advise the Council of the District of Columbia on
114 matters of racial equity, social justice, and economic inclusion.

115 (2) The Commission shall consist of 5 members all appointed by the Chairman of
116 the Council and who may be residents of the District of Columbia.

117 (3) Members of the Commission shall have the following qualifications:

118 (A) Knowledge of core racial equity concepts, including power and
119 privilege, implicit bias, and structural or institutional racism;

120 (B) Extensive experience working with communities of color; and

121 (C) Demonstrated experience bringing a racial equity lens to their work,
122 with a focus on identifying and overcoming or mitigating barriers to racial equity.

123 (4) The Commission shall examine issues of racial equity in governance in the
124 District in its deliberations, identify best practices in other jurisdictions, and may undertake such
125 other endeavors related to racial equity as it determines necessary to advise the Council. The
126 Commission may also work with the Council’s Racial Equity Office.

127 (5) The Council shall provide administrative support to the Commission and may
128 provide other resources the Council determines are necessary.

129 (6) The Commission shall not engage in any lobbying of the Council.

130 (b) It is the sense of the Council that for Council Period 24, the Council should include in
131 its rules the establishment of a Racial Equity Program to produce racial equity training materials,
132 provide ongoing racial equity training for Council staff, and include a protocol for conducting
133 Racial Equity Impact Assessments on legislation.

134 **TITLE II. AMENDATORY PROVISIONS.**

135 Sec. 201. The Office of Human Rights Establishment Act of 1999, effective October 20,
136 1999 (D.C. Law 13-308; D.C. Official Code § 2-1411.01 *et seq.*), is amended by adding a new
137 section 206b to read as follows:

138 “Sec. 206b. Racial equity training.

139 “(a) The Office, in coordination with the Department of Human Resources and the Office
140 of Racial Equity, shall provide, on an on-going basis, racial equity training for all District
141 government employees and members of the District’s boards and commissions. The training
142 shall include:

143 “(1) Racial equity workshops for District employees at the management level;

144 “(2) A training series for District employees that equips personnel to better
145 identify and address issues of racial equity; and

146 “(3) Online and in-person racial equity and inclusion courses that focus on the
147 meaning of diversity, the benefits of a diverse workforce, and barriers that prevent a racially
148 inclusive workforce environment.

149 “(b) For the purposes of this section, the term “racial equity” means the elimination of
150 racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of
151 resources for residents of the District, particularly for persons of color and Black residents.”.

152 Sec. 202. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as
153 follows:

154 (a) Section 47-308.01 is amended as follows:

155 (1) Subsection (a) is amended as follows:

156 (A) Paragraph (3A) is redesignated as paragraph (3B).

157 (B) Paragraph (3B) is redesignated as paragraph (3C).

158 (C) Paragraph (3C) is redesignated as paragraph (5A).

159 (D) A new paragraph (3A) is added to read as follows:

160 “(3A) “Racial Equity” means the elimination of racial disparities such that race no
161 longer predicts opportunities, outcomes, or the distribution of resources for residents of the
162 District, particularly for persons of color and Black residents.”.

163 (2) A new subsection (h) is added to read as follows:

164 “(h)(1) By March 1, 2021, in coordination with the Office of the City Administrator, the
165 Office of Racial Equity, established by section 3 of the Racial Equity Achieves Results
166 (REACH) Amendment Act of 2020, passed on 2nd reading on November 10, 2020 (Enrolled
167 version of Bill 23-38), shall design and implement racial equity tools to enable District agencies
168 to incorporate racial equity into their operations, performance-based budgets, programs, policies,
169 rules, and regulations, and to ensure alignment between departmental and District-wide programs
170 and initiatives.

171 “(2) At a minimum, the Mayor shall use the racial equity tools to:

172 “(A) Identify clear strategic initiatives, objectives, and measurable

173 outcomes;

174 “(B) Develop metrics to measure progress in redressing disparate social

175 and economic outcomes in the District based on race, sex, and ethnicity;

176 “(C) Track and measure how programmatic and policy decisions benefit or

177 burden individuals based on race, sex, or ethnicity;

178 “(D) Examine potential unintended consequences of a policy or

179 programmatic decision and develop a strategy to advance racial equity and mitigate unintended

180 negative consequences; and

181 “(E) Evaluate the efficacy of District agencies’ strategic initiatives and

182 programs aimed at reducing disparate outcomes.

183 “(3) Beginning in 2021 for Fiscal Year 2022, and every year thereafter, the

184 Mayor’s budget submission package to the Council shall include a summary of how the proposed

185 budget advances racial equity in the District, reduces disparate outcomes, and allocates resources

186 to support equitable outcomes.”.

187 (b) Section 47-308.02 is amended by adding a new subsection (g) to read as follows:

188 “(g) Beginning no later than Fiscal Year 2022, and for each subsequent fiscal year, the

189 Mayor shall establish at least one relevant performance measure related to an agency’s progress

190 toward achieving racial equity.”.

191 (c) Section 47-308.03(c)(1) is amended by striking the phrase “agency’s performance on

192 its activities for” and inserting the phrase “agency’s performance on its activities, including those

193 relating to achieving racial equity, for” in its place.

194 **TITLE III. GENERAL PROVISIONS.**

195 Sec. 301. Applicability.

196 This act shall apply as of March 6, 2021.

197 Sec.302. Fiscal impact statement.

198 The Council adopts the fiscal impact statement in the committee report for the Racial
199 Equity Achieves Results (REACH) Amendment Act of 2020, enacted on December 7, 2020
200 (D.C. Act 23-503; 67 DCR 14390), as the fiscal impact statement required by section 4a of the
201 General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C.
202 Official Code § 1-301.47a).

203 Sec. 303. Effective date.

204 This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor,
205 action by the Council to override the veto), and shall remain in effect for no longer than 90 days,
206 as provided for emergency acts of the Council of the District of Columbia in section 412(a) of
207 the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C.
208 Official Code § 1-204.12(a)).