

TOOLKIT

# GREENING IN PLACE:

## Protecting Communities from Displacement



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### **DISCLAIMER:**

This document is not all-inclusive and is not intended to provide any individual or entity with specific legal advice.





Audubon Center  
at Debs Park

## AUTHORS

For over a century, the National Audubon Society (Audubon) has been among the country's leading conservation organizations. Audubon has won significant conservation victories and continues its journey to protect birds and the places birds need to live and thrive. Over the past 25 years, Audubon has invested in various urban areas across the United States by building nature centers to engage historically-underserved low-income communities of color. This has been an undertaking that is both new for Audubon and unique in the conservation movement, which has traditionally been led by middle and upper middle class white communities.

One of Audubon's homes in Los Angeles is the Audubon Center at Debs Park (ACDP). For over 15 years, ACDP has sought to protect and restore the 282-acres of Southern California black walnut and oak woodland along the Arroyo Seco at Ernest E. Debs Park. The Audubon Center at Debs Park has become the hub for urban conservation for Audubon and serves the communities of Northeast Los Angeles, which are predominantly Latino. ACDP was the first urban nature center built by Audubon to serve the Latino community in an underserved area. Five miles from downtown Los Angeles, the center is minutes away from skyscrapers and concrete and provides a gateway into a natural world of discovery and exploration.



Public Counsel is the nation's largest not-for-profit law firm of its kind with a 50-year track record of fighting for the rights of children and youth, persecuted immigrants, military veterans, nonprofit organizations, and small businesses. Public Counsel's Community Development Project builds foundations for healthy, vibrant, economically stable communities by providing legal and capacity building services to community-based organizations and small businesses in the Los Angeles area. We support community led advocacy groups and community-based organizations in their efforts to advance racial and economic justice and build power in low-income communities and communities of color on campaigns related to the creation and preservation of affordable housing, protecting tenants, quality employment opportunities, inclusive entrepreneurship, childcare, access to open space, and ending the criminalization of poverty.



The Southeast Asian Community Alliance (SEACA) creates spaces for new forms of leadership to emerge and we support the development of members of our community to create new and culturally relevant systemic changes to deep-rooted social, economic, and racial justice issues impacting the Southeast Asian and allied low-income communities. We began as a youth leadership program and over the years have expanded our programs to include youth organizing, creative arts and self-expression, and innovative policy work in Los Angeles. We are a founding member of the LA Regional Open Space and Affordable Housing Collaborative (LA ROSAH) and are currently working with the County of Los Angeles to establish an LA River Affordable Housing Land Bank.

## TEAMFRIDAY

Team Friday is a strategic communications agency focused on helping build purpose, furthering causes and creating impact through collaborative and innovative campaigns. Team Friday works with foundations, nonprofit organizations, policymakers, and social impact leaders to use engagement strategies and storytelling to shift culture, create solutions, and connect to communities.

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## About This Guide

*Greening In Place* was produced in partnership with the Audubon Center at Debs Park (ACDP), Public Counsel, and SEACA. It is intended to give other park and conservation agencies like Audubon the language, tools and framework to address connections between social and environmental issues and take affirmative steps to ensure that all communities are able to benefit from green investments.

Audubon became involved in this Guide because of the work by ACDP, which was the first Audubon center built to serve Latino communities and is a community hub for environmental justice and advocacy work in Los Angeles and across the Audubon network. How does an organization that specializes in bird conservation stay relevant in urban low-income neighborhoods? ACDP's solution has been to invest in addressing community priorities and concerns. Through programs offered at ACDP, community members participate in culturally relevant conservation work designed to be connected to the community, building a more diverse and inclusive conservation movement. For example, ACDP offers programming along the LA River at local pocket parks where community members can volunteer to become stewards of the park and participate in community science projects. Through community-centered programming, ACDP has strengthened relationships with people in the neighborhood and expanded its reach beyond Debs Park. This has helped ACDP authentically reach audiences traditionally ignored or undervalued by the environmental movement.

Through its deep community engagement, ACDP has come to see that park and conservation agencies can play an important role in fights to prevent gentrification and displacement. This begins by recognizing that the work of park and conservation agencies occurs within a broader social context. To ACDP, in order to serve the community, we need to be engaged with the community's struggles. ACDP firmly believes that by prioritizing community needs, park and conservation agencies can achieve significant results for neighborhoods: more green space and more stable, secure housing for people, leading to a stronger bond of stewardship among people, their waterways, and bird habitats. This Guide is the outgrowth of this belief.





# Introduction

Access to high-quality parks, green spaces, and recreation areas has significant and long-lasting positive impacts on individual and community health.<sup>1</sup> Green infrastructure projects, such as parks and open space, can increase biodiversity, improve storm water absorption, reduce urban heat island effects, and regulate climate emissions.<sup>2</sup> Green infrastructure can also facilitate healthy lifestyles and foster strong social connections by providing a venue for community-building.<sup>3</sup>

The benefits of green infrastructure are well-documented, yet inequitable investment and racialized land use practices have long-deprived communities of color and low-income neighborhoods of green spaces. By focusing on historically disinvested communities, public and private green infrastructure investments can address disparities and promote environmental justice.

However, it is not enough to simply locate green infrastructure projects in underserved neighborhoods. Numerous studies have shown that green infrastructure—particularly when executed alongside larger “revitalization” initiatives—can increase property values and accelerate real estate speculation, which contributes to the eventual displacement of the low-income residents in the neighborhood.<sup>4</sup> As such, green infrastructure investments must be undertaken with affirmative protections and plans in place to reduce the risk of inadvertently excluding and harming the very residents they intend to benefit.<sup>5</sup> In order to avoid intensifying environmental injustice under the guise of environmental ethics, green infrastructure investments must be paired with coordinated policies to maximize opportunity and prevent displacement.

*Greening In Place* presents a framework for equitable green development to inform the efforts of park agencies, conservation authorities, and community advocates as they work to promote healthy, sustainable, and inclusive green development. The Guide assesses displacement risks associated with green infrastructure investment and provides a number of recommended strategies to reduce the potential harmful economic impacts such investments may have on vulnerable populations. Accompanying this Guide is an appendix on implementing the strategies listed here, which breaks down when different strategies in this Guide could be pursued by different stakeholders in the development process.

# A FRAMEWORK FOR EQUITABLE GREEN DEVELOPMENT



## WHAT IS EQUITABLE GREEN DEVELOPMENT?

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When we talk about equitable green development in this Guide, we refer to development that prioritizes investment in, and engagement with, low-income communities and communities of color that have historically been excluded from and/or harmed by land use and environmental policy decisions.<sup>6</sup> For generations, low-income communities and communities of color have not had access to meaningful green spaces and sustainable infrastructure, resulting in those communities being unable to enjoy the health and economic benefits that accompany such investments. At the same time, environmental harms such as pollution and ground contamination have disproportionately burdened low-income communities and communities of color.

An equitable green development framework aims to rectify these harms and improve access to green infrastructure in low-income communities and communities of color. Equitable green development ensures that green infrastructure benefits historically disadvantaged people and communities.

## WHAT IS GREEN INFRASTRUCTURE?

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*LA River,*  
Los Angeles  
lariver.org



*BeltLine,*  
Atlanta  
beltline.org



*The 606,*  
Chicago  
the606.org

When we talk about “*green infrastructure*” in this Guide, we are referring broadly to developments promoted on the bases of environmental sustainability and urban greening. Investments in green infrastructure can include a broad range of projects, from park development to bicycle infrastructure. For the purposes of this Guide, green infrastructure also includes what is sometimes referred to as “*gray infrastructure*,” such as bicycle lanes, farm-to-table restaurants, energy efficiency buildings, and improved recycling programs.<sup>7</sup> In Los Angeles, a high profile example of large scale green infrastructure planning is the ongoing revitalization of the LA River.<sup>8</sup> Other regional scale greening

projects include Atlanta’s “*BeltLine*”<sup>9</sup> and “*The 606*” in Chicago, both of which changed citywide mobility patterns and led to unprecedented private investment.<sup>10</sup> Examples of smaller-scale adaptive reuse projects include New York City’s High Line or Washington D.C.’s planned 11th Street Bridge Park, which are transforming the surrounding neighborhoods.<sup>11</sup>

## WHAT IS THE RELATIONSHIP BETWEEN GREEN INFRASTRUCTURE & DISPLACEMENT?

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Green infrastructure can provide multiple benefits, including positive health, environmental, climate, and economic impacts to neighborhoods and local communities. A recent study by the Trust for Public Land on the economic impact of these benefits in the City of Los Angeles found that the biggest economic impact was enhanced property values.<sup>12</sup>

Green infrastructure projects are often financed with public dollars, with the stated intent of building healthy communities for underserved populations and of improving access to green amenities in under-resourced, low-income neighborhoods and communities of color.<sup>13</sup> But such investments, together with shifting job and housing markets, can also set in motion or intensify a process of gentrification and displacement—a process called “*green gentrification*.” First, green infrastructure investments make neighborhoods more attractive places to live, which increases surrounding housing costs and spurs real estate speculation.<sup>14</sup> This, in turn, attracts both new development and new residents with different racial and socioeconomic characteristics to surrounding neighborhoods. Without robust protections in place, low-income individuals and families are either immediately and directly displaced by evictions, or quickly become overburdened by rising rents that dramatically outpace their incomes.<sup>15</sup> The accelerated cost burden ultimately leads to a tipping point, after which greater financial sacrifice or doubling up with friends and relatives become untenable and families fall into homelessness. Over time, these neighborhoods lose their low-income residents and residents of color. Such displacement harms long-term residents, resident-owned businesses, and neighborhood culture and social capital, as well as gravely affecting community health and well-being.<sup>16</sup>





## The Atlanta BeltLine Struggles With Meeting Affordable Housing Goals

In 2005, the City of Atlanta initiated the creation of the BeltLine Redevelopment Plan, a 25-year plan to utilize 22-miles of mostly abandoned and underused rail corridor and transform it into a new public transit system.<sup>21</sup> The completed BeltLine will encircle the city's core transit, and include trails, green space, and abutting development. To date, 10 new parks and 10 trails have opened to the public.<sup>22</sup> More than 88 new developments have been completed or are underway within the planning area (*1/2 mile on either side of the rail corridor*), with a value of more than \$1 billion.<sup>23</sup> These new developments have created 12,000 residential units.<sup>24</sup>

Despite having goals for *"creating and preserving affordability; reducing residential, commercial and cultural displacement; reducing racial and economic disparities; promoting transit and connectivity; empowering BeltLine communities for the future; and ultimately improving the overall quality of life for all BeltLine residents,"*<sup>25</sup> the project has been criticized for accelerating displacement of nearby communities and not including enough affordable housing requirements. The city required the Atlanta BeltLine Inc. (ABI), the organization that manages the project, to fund at least 5,600 affordable homes along the trail when it is completed in 2030, but by 2015 there were only 785 affordable units available.<sup>26</sup> One report which

studied housing prices from 2011 to 2015 found that home prices in some areas near the BeltLine increased 68 percent over four years—faster than other parts of Atlanta.<sup>27</sup>

In response, ABI and city officials have tried to do more to create affordable housing around the BeltLine. In 2016, the City Council passed Ordinance 14-O-1614, which required developers receiving subsidies to set aside 15% of units for individuals who make 80% of the area median income (AMI), or 10% of units for people who make 60% of AMI.<sup>28</sup> In 2018, ABI convened a panel of affordable housing experts to help ABI refine its strategies to meet its affordable housing goals.<sup>29</sup> The final report from this group is now serving as a guideline to bring more affordable housing to the BeltLine. The BeltLine's fiscal 2020 housing budget included \$11.9 million specifically for affordable housing development.<sup>30</sup> As of recent estimates, according to the BeltLine's Affordable Housing Working Group, there were 1,642 affordable units near the trails with 600 more in the pipeline, though the project still has a ways to go to reach its affordable housing goals.<sup>31</sup>

These patterns of gentrification and displacement following green infrastructure investments are playing out across the country. The High Line in New York City, an adaptive reuse project that turned an unused elevated railway on Manhattan’s westside into a linear park, has accelerated the gentrification and development of the previously industrial neighborhood of Chelsea and has been accused of alienating the residents of the two large nearby public housing projects.<sup>17</sup> In Los Angeles, the revitalization of the LA River has put a spotlight on adjacent low-income neighborhoods such as Chinatown and Elysian Valley. Between 2017 and 2018, the median price of a house in Elysian Valley increased by more than 17%.<sup>18</sup> The 606, a rail-to-trail project in Chicago, caused property values in the adjacent affordable Latino neighborhoods to nearly double in three years.<sup>19</sup> And in Atlanta, the BeltLine has dramatically increased property values along the 22-mile rail corridor turned pedestrian trail.<sup>20</sup>

## GREEN INFRASTRUCTURE INVESTMENT & DISPLACEMENT IN LOS ANGELES COUNTY

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In Los Angeles County, low-income communities of color have historically been plagued by a lack of both affordable housing and parks. Examples abound, particularly in East, South, and Southeast Los Angeles, and in neighborhoods along the LA River. The 2016 Los Angeles Countywide Comprehensive Parks and Recreation Needs Assessment (PNA) determined that 82% of the “park poor” areas in Los Angeles County were located in minority neighborhoods.<sup>39</sup> The PNA found dramatic disparities in park access across neighborhoods: from up to 56 acres of park space per 1,000 residents in wealthy suburban communities to less than 0.5 acres of park space per 1,000 residents in lower income urban communities with higher concentrations of non-white households.<sup>40</sup> To address this dramatic disparity, state and local resources have emerged to generate green infrastructure investments in park poor neighborhoods.<sup>41</sup>

However, as public and private green infrastructure investment has increased, so too has the displacement of low-income residents.<sup>42</sup> This is not a new issue. Community concerns about gentrification and displacement have long been associated with proposed parks and open space, habitat restoration, and green infrastructure investments in Los Angeles County.<sup>43</sup> These concerns are particularly

acute in communities and neighborhoods situated next to the LA River, where ongoing revitalization efforts have led to skyrocketing rent and housing costs in recent years.<sup>44</sup> Given this history in Los Angeles, existing river-adjacent communities are justifiably wary of efforts to invest in the riverfront.



## HOW CAN GREEN INFRASTRUCTURE INVESTMENTS BE MADE MORE EQUITABLY?

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The risks of green gentrification are serious, and all available tools should be deployed to ensure equitable green development without displacement. There is no one single policy blueprint or panacea. Multiple anti-displacement tools must be layered together and tailored to the project-specific risks of each green infrastructure investment program, taking into account deep levels of community input. The precise mix of policies and programs should be context-specific and driven by activated organizations and community leaders in affected low-income neighborhoods. This Guide presents a menu of policies, programs, and standards to help reduce displacement pressures, stabilize low-income communities, and align development and investment with community benefits.



## The 606 in Chicago Spurs Green Gentrification & Community Responses

The 606 was a project conceived to address the lack of green and recreational space for the residents of the Logan Square neighborhood in Chicago.<sup>32</sup> In 2004, the City proposed converting the abandoned “Bloomingdale Line” in the neighborhood to a park, which initiated a wide range of interest from federal investment to real estate development.<sup>33</sup> The City’s proposal prompted neighbors to form a community group called Friends of the Bloomingdale Trail, which spearheaded a coalition partnership with Trust for Public Land, City of Chicago, Chicago Park District, and a dozen other groups to help develop the park and trail system that would connect Logan Square and four other neighborhoods. After years in the community design process, final plans for the \$95 million project were unveiled in 2013 and the first phase opened on June 6, 2015.<sup>34</sup>

Unfortunately, the 606 spurred green gentrification in the affordable areas surrounding the project. A gentrification mapping study by the Institute for Housing Studies at DePaul University found that housing prices rose along the 606 as soon as the project started and that these increases, upwards of 22%, happened most in the more affordable, lower- and moderate-income section of the trail.<sup>35</sup>

In 2017, LUCHA, a local advocacy group, convened partners to craft The Pilot Act for the Preservation of Affordable Housing ordinance that would curb the number of property demolitions in the residential area surrounding the 606 through the imposition of a demolition fee per affordable unit lost.<sup>36</sup> The collected demolition fees would be placed into a 606 Residential Area Affordable Housing Trust Fund to help maintain affordable housing in the area.<sup>37</sup> The ordinance was adopted in January 2020 and a six-month moratorium was placed on all demolition so the city could work with residents to craft better policies to ensure better housing protections.<sup>38</sup>



## The Los Angeles Regional Open Space & Affordable Housing Collaborative Advances Strategies to Combat Green Gentrification

To address the LA River revitalization and other green infrastructure investments’ role in contributing to the unprecedented and ongoing affordable housing and homelessness crises in the Los Angeles region, a group of non-profit organizations and public agencies representing open space conservation, affordable housing, and local community groups came together in the Spring of 2016 to form the Los Angeles Regional Open Space and Affordable Housing Collaborative (LA ROSAH). LA ROSAH’s mission is *“to explore strategies to combat the issue of green gentrification, create a new model of development that would expand low-income communities’ access to nature while also mitigating their risk for gentrification and displacement, and promote awareness of those opportunities through education and public programming”*.<sup>45</sup> Beginning in 2016, members of LA ROSAH have collaborated with local park agencies to incorporate anti-displacement and equitable parks development policies through green infrastructure financing mechanisms, including funding available through Measure A, passed by Los Angeles County voters in 2016, which prioritizes funding resources for park-poor neighborhoods and low-income communities of color.<sup>46</sup>



# EQUITABLE GREEN DEVELOPMENT STRATEGIES



Presented below are anti-displacement policies and program recommendations that public agencies, advocates, and developers can strategically employ to combat the displacement impacts of green infrastructure investments and advance equitable green development.<sup>47</sup> These strategies fall into six general categories:

1. Tenant Protections
2. Land Use & Housing
3. Aligning Funding with Equitable Outcomes
4. Enhancing Economic Opportunities
5. Community Engagement & Ownership
6. Design & Operations

## TENANT PROTECTIONS

One of the most important ways to protect tenants facing displacement pressures is to stabilize housing costs and increase eviction protections. The following policies should be considered in order to mitigate against green gentrification and provide renter households the stability they need to stay in their homes and benefit from green infrastructure investments.

### Rent Stabilization

Rent control or rent stabilization refer to policies that limit the allowable annual rent increases for apartments and other rental housing. These policies, which can be enacted into law by the state legislature or by the local jurisdiction in the form of a Rent Stabilization Ordinance (RSO), typically allow landlords to set the initial rents for new tenants, but limit subsequent rent increases.<sup>48</sup> For example, an RSO may allow rent increases equal to the change in the Consumer Price Index (a measure of inflation), with a ceiling of 3% and a floor of 0%. Rent stabilization policies give tenants the security of knowing their rent will increase by a predictable and relatively modest amount each year, while allowing landlords to obtain a fair return on their investment.

In California, recent state laws provide many tenants basic protections against rent gouging and “no-cause” eviction.<sup>49</sup> However, even with these new protections in place, landlords can increase rents more quickly than many tenants can afford,<sup>50</sup> and landlords can still evict tenants in order to remove the unit from the rental market, or for the landlord to move in to the unit, without providing a significant relocation payment to the tenant.<sup>51</sup> Local jurisdictions in California can, and should, adopt stricter

regulations on rent increases and stronger protections for tenants subject to these “no-fault” evictions.

Rent stabilization policies in California have been legally tested, upheld by courts,<sup>52</sup> and proven to be effective tools that cities can quickly implement to protect a large percentage of residents at little cost to the public.<sup>53</sup> At the time of publication, six cities in Los Angeles County have implemented permanent rent control measures: Los Angeles, West Hollywood, Santa Monica, Beverly Hills, Inglewood, and Baldwin Park.<sup>54</sup> The Board of Supervisors in Los Angeles County also recently adopted rent control measures for unincorporated parts of the county.<sup>55</sup> Yet the rest of the County’s 88 total cities (except for the cities with their own rent stabilization ordinances) do not have permanent protections against unrestricted rent hikes. Rent stabilization policies help stabilize rent-burdened families and individuals, and implementing these protections is critical to creating healthier communities in Los Angeles and beyond.

### Just Cause Eviction Policies

Just cause eviction policies protect tenants from arbitrary, discriminatory or retaliatory evictions, while ensuring that property owners can lawfully evict tenants as long as they have a good reason.<sup>56</sup> In jurisdictions with a just cause eviction ordinance, landlords may only issue evictions for specific reasons where a tenant is at fault—such as when a tenant uses the property for an unlawful purpose, fails to pay rent, materially breaches the lease, or creates a nuisance—or for narrow reasons where the tenant is not at fault but the landlord is either withdrawing the unit from the rental market or moving in to the unit themselves.

Effective just cause eviction policies also require property owners to pay relocation assistance to a tenant subject to

a no-fault eviction. Strong relocation assistance policies can enhance housing stability by helping displaced households find comparable housing that they can afford. Relocation assistance amounts should reflect the true costs paid by tenant households to leave a home, including the costs to take time off of work or school to pack up belongings and move, and the costs associated with finding and paying for a new home—including, but not limited to, a new security deposit and first and last month’s rent, application fees, temporary storage costs, utility connection fees, and other expenses.<sup>57</sup>

Such policies are essential to preventing displacement. A rent stabilization program without just cause eviction policies will fail to promote tenant stability, as landlords could simply evict tenants for any or no reason at all in order to obtain higher rents—especially in low-vacancy and expensive housing markets.

## Rent Control Adopted in Los Angeles County

In May 2017, dozens of tenants, organizers, and community-based organizations staged a march to share their stories of eviction, housing instability, and loss of community with the Los Angeles County Board of Supervisors (BOS), asking the BOS to re-institute rent control and just cause eviction protections in unincorporated county areas.<sup>58</sup> The BOS subsequently created a Tenant Protections Working Group to provide recommendations on tenant protections.<sup>59</sup> In response to the recommendations of the working group—and as a result of robust tenant organizing—on November 19, 2019, the BOS adopted rent stabilization and just cause eviction protections as a permanent ordinance, securing the largest expansion of tenant protections by a city or county in California in nearly forty years.<sup>60</sup> The ordinance provides just cause protections and a 3% cap on rent increases for all multi-family rental units built before 1995 in Unincorporated LA County.<sup>61</sup> It also includes protections for tenants when offered buyout agreements, a public-facing rental registry that will include all covered rental units in Unincorporated LA County, and robust relocation assistance for tenants who face no-fault evictions.

## Tenant Buyout Regulation

In order to preserve tenancies, jurisdictions should implement safeguards to protect tenants who are offered a payment to move out of their apartment, referred to as tenant buyout agreements or “cash for keys” agreements.<sup>62</sup> Tenant buyouts can often be coercive or based on a misunderstanding of the tenant’s right to stay in the unit. To address this, local policies should regulate buyouts by requiring the landlord to include information about the tenant’s rights with any offer requirements, such as the right to relocation assistance, and allowing tenants to rescind the agreement for a specified period of time.

## Code Enforcement

Jurisdictions should also adopt code enforcement programs to ensure landlords comply with health and safety codes to keep tenants housed in stable and safe housing. An enhanced code enforcement program should include systematic inspection of all rental units on a regular basis, and not simply in response to complaints by tenants or landlords. A code enforcement program should also include mechanisms to ensure that landlords comply with orders to cure code violations.<sup>63</sup> Such programs, when successfully implemented, can improve the quality of rental housing in a jurisdiction.

## Tenant Education and Outreach

To be most effective, legal protections must be accompanied by tenant outreach and education efforts so that tenants can assert their rights. Landlords should be required to provide tenants with notices that explain their rights at the start of their tenancy, with any rent increase notice, and with any notice of termination. These materials should be posted in common areas throughout the property, made available in the predominant languages spoken in the jurisdiction, and include annotated versions of agency-prepared form notices for rent increases and termination of tenancy.<sup>64</sup> In addition, jurisdictions can affirmatively conduct education and outreach to tenants through their own programs or by partnering with community-based organizations.<sup>65</sup>

## Right to Counsel in Eviction Proceedings

An increasing number of jurisdictions have begun exploring the establishment of a funded “Right to Counsel” for low-income tenants in eviction proceedings.<sup>66</sup> In eviction proceedings across the United States, 90% of tenants facing eviction do not have legal representation.<sup>67</sup> Without counsel, tenants are more at risk of being evicted

and having judgments filed against them. With a Right to Counsel, tenants can assert their legal rights and often avoid displacement. In New York City, funding for tenant legal services has increased substantially since 2014 and a Right to Counsel was established in 2017. As a result, evictions have dropped 27% since 2013, including a full 5% in 2018 after the Right to Counsel was implemented.<sup>68</sup>

A Right to Counsel program should also include pre-eviction services to guide tenants who are at risk of eviction on their rights and facilitate negotiations with landlords to avoid eviction. Pre-eviction services could also include advice on accessing alternative sources of assistance, such as disability benefits or Temporary Assistance for Needy Families (TANF). Programs should also include emergency rental assistance, as well as assistance for seniors and individuals with disabilities who are surviving on small, fixed incomes.



## Land Use & Housing

Green infrastructure investments, like other public investments, have the potential to catalyze both new private development and real estate speculation, leading to the gentrification and displacement effects discussed above. The land use, zoning and other housing policy tools listed below can help ensure that affordable housing and other community-serving assets will be built and preserved to help combat such effects.

### ZONING FOR AFFORDABLE HOUSING DEVELOPMENT

Zoning and land use plans directly shape how a community is developed. These plans present opportunities to address neighborhood-specific concerns and implement equitable development strategies.<sup>69</sup>

#### General Plans & Housing Elements

In California, all cities must adopt a general plan that governs all development in the jurisdiction.<sup>70</sup> The general plan must include seven mandatory elements: land use, circulation, housing, conservation, open space, noise and safety (seismic and fire).<sup>71</sup> The Housing Element of the general plan must “make adequate provision for the housing needs of all economic segments of the community.”<sup>72</sup> This is an obligation to make adequate sites available to meet the need for low-income housing and to eliminate barriers to the development of housing.<sup>73</sup> Any land use action a municipality takes, such as approval of a new development or creation of a neighborhood-specific plan, must be consistent with the city’s general plan, including the Housing Element.<sup>74</sup>

The Housing Element can include any number of policies and programs that link green infrastructure investment with anti-displacement and equitable development standards. As the jurisdiction’s overall housing policy framework, the Housing Element is a vital tool for local government and community stakeholders to articulate a vision for equitable green development and establish concrete policies and programs to implement that vision. A city may advance equitable green development by including policies that link green development with housing justice in its Housing Element.

#### Specific Plans & Community Plans

In California, community plans and specific plans are used to systematically implement the general plan in a particular geographical area.<sup>75</sup> These plans effectively become a set of zoning regulations that provide specific direction to the type and intensity of uses permitted in the area. Development proposals must be consistent with the applicable community and/or specific plan in order to be approved.<sup>76</sup> If the plan contains provisions for affordable housing, these provisions may help enable the preservation



and development of affordable housing around green infrastructure. Community and specific plans also create opportunities for low-income residents and community-based organizations to advance an affirmative vision for equitable green development.<sup>77</sup>



## Cornfield Arroyo Seco Specific Plan Centers Community Voices

The Cornfield Arroyo Seco Specific Plan (CASP),<sup>78</sup> adopted in June 2013 by the Los Angeles City Council,<sup>79</sup> created new zoning regulations for 660 acres of industrial land in Northeast LA along the LA River and the low-income neighborhoods of Chinatown, Lincoln Heights and Cypress Park.<sup>80</sup> Due to their proximity to transit and the LA River, which is undergoing revitalization efforts, these neighborhoods are ripe for green gentrification. Recognizing the long term future impact of the plan, the Southeast Asian Community Alliance (SEACA) led a successful campaign to advocate for stronger incentives for affordable housing and open space in the plan.<sup>81</sup> The end result was a plan that, among other things, promotes high density near transit coupled with anti-displacement measures and affordable housing incentives targeting extremely low-income residents, increases open space and green space requirements (approximately four acres per 1000 people), and increases connectivity to the LA River.<sup>82</sup>

## UNIDAD Wins A People's Plan for South & Southeast LA

In the context of increasing development in South Central Los Angeles, a grassroots coalition called United Neighbors in Defense Against Displacement (UNIDAD) organized local residents for over a decade to create the People's Plan.<sup>83</sup> The People's Plan was the result of a community-driven process and reflected the community's own vision for how it wanted development to occur to meet the community's needs. The People's Plan recommendations broadly focused on: creating affordable housing and stopping displacement; promoting inclusive economic development that supported local workers and businesses; prioritizing environmental justice and enhancing community health; and strengthening community leadership in the land use planning process.<sup>84</sup> After concerted advocacy, in November 2017, the Los Angeles City Council unanimously adopted community plans for South and Southeast Los Angeles that incorporated nearly all of the proposals put forth in the People's Plan.<sup>85</sup> The coalition's victory is a blueprint for future community-led planning and efforts to combat displacement effects.

### Equitable Green Development Overlay Zones

An overlay zone is part of a city's general zoning code, but is superimposed on the existing zoning map, in effect modifying the underlying zoning classifications. Cities can create equitable green development overlay zones around green infrastructure investments, providing for a comprehensive package of density bonuses, reduced parking requirements, and waived or reduced development fees for affordable housing development. An overlay zone may be an appealing policy choice for a city because it does not require revisions of the existing zoning code or significant changes to city development plans.<sup>86</sup>

### Inclusionary Zoning

Inclusionary zoning ordinances typically require developers to include a certain percentage of affordable housing units in new residential development. Effective inclusionary zoning policies promote integrated, mixed income communities by ensuring housing opportunities to households earning between 50 and 120% of AMI in

all new development. Because many cities face more acute housing needs among families earning less than 50% of AMI, a number of communities have chosen to design their programs to generate at least some units affordable to very low- and extremely low-income residents (earning less than 50 or 30% of AMI).<sup>87</sup> Cities that want to create units for lower-income residents have a number of options. Common strategies are to:

1. allow developers to provide fewer units with deeper affordability;
2. purchase the units and add additional subsidy to rent or sell them at alternative affordability levels;
3. accept in-lieu fees and partner with nonprofits to build housing with deeper affordability.

By advancing mixed income housing, inclusionary zoning policies can help ensure that any new housing development that is sparked by green infrastructure investment will create opportunities for lower-income residents to stay in their neighborhoods and access the benefits of growth.

### Value Capture Zoning & Affordable Housing Incentives

“Value capture” programs<sup>88</sup> recognize that governmental action and public investment—including green infrastructure investments and increasing the residential capacity of a property—can increase property values for private land owners, and that this value increase can be measured and harnessed for public good. Common value capture mechanisms tap into rising property values through linkage fees (discussed below), tax-increment financing (discussed below), and/or requiring landowners to use some of the value increase to build affordable housing, public green space, or other community benefits. Value capture zoning programs provide applicants with increased density in exchange for providing affordable housing and other community benefits. By aligning housing production incentives with strong affordability standards, value capture zoning programs can help promote more affordable housing opportunities in areas experiencing green infrastructure investments. Examples of value capture zoning in California include California’s State Density Bonus Law, City of Los Angeles Measure JJJ and the Transit Oriented Communities Affordable Housing Incentive Program, and the South and Southeast Los Angeles Community Plans.<sup>89</sup>



## Measure JJJ & the Transit Oriented Communities Affordable Housing Incentive Program

Adopted by the voters of the City of Los Angeles in 2016, Measure JJJ was intended to address the dearth of affordable housing and decent-paying jobs in the City of Los Angeles.<sup>90</sup> Measure JJJ requires developers seeking certain allowances from the City of Los Angeles (such as an amendment to the general plan, zoning change, or height-district change) to include affordable housing and meet certain standards for quality local construction jobs.<sup>91</sup>

One of the core elements of Measure JJJ is the Transit Oriented Communities Affordable Housing Incentive Program (TOC). The program allows extra density and parking reductions for developments built within a half mile of a major transit stop that provide on-site affordable housing and that replace certain housing existing or previously on the site, with the same unit types and affordable housing levels.<sup>92</sup> Since the TOC program went into effect, developers have proposed thousands of new affordable units under the program.<sup>93</sup>

## NO-NET-LOSS & AFFORDABLE HOUSING PRESERVATION

### One-for-One Replacement

Inclusive, equitable development includes the principle that development should result in a net gain of affordable housing opportunities, not a loss. Accordingly, housing production programs, such as inclusionary zoning, density bonus incentive programs, or housing subsidy programs should require that a project replace, on a one-to-one basis, any affordable units or units occupied by low-income households that were previously on the site. “*One-for-one replacement*” policies should always include a significant look-back period, requiring replacement of units that existed on the property for a significant period prior to the application for the new development. Without this type of retroactive mechanism, landlords would be incentivized to evict existing tenants prior to applying for the bonus, thereby avoiding the replacement requirement entirely.

### Area-Wide No-Net-Loss

assessment to determine whether there has been a reduction in the total number of affordable units. If so, additional “*No-Net-Loss*” tools can be activated for all areas that demonstrate a loss. No-Net-Loss tools can include a Recovery Action Plan with specific programs and investments to prevent further loss of affordable units and steps to increase affordable housing production in the area, as well as requirements that future applications for discretionary land use approvals include a “*Displacement Impact Report*,” discussed below.<sup>94</sup>

### Limit Condominium Conversions & Demolitions

Condominium conversions—the process of converting a multi-unit rental property held in single ownership into one in which the units may be individually bought or sold—are often preceded by mass evictions of lower income tenants. Likewise, demolitions of existing rental units, followed by construction of new units, require existing tenants to be evicted prior to the demolition. Unregulated condominium conversions and demolitions spark widespread displacement of existing tenants and have the added effect of massively reducing a jurisdiction’s affordable rental housing stock. To help stabilize communities at risk of gentrification, jurisdictions should limit the number of rental units that may be converted into condominiums or

other uses and have similar regulation of demolitions.

Condominium conversion and demolition regulations may include procedural requirements to ensure that tenants have adequate notice that their lease will be terminated (preventing landlords from evicting tenants under the pretext of leaving the rental market only to re-rent the units at a higher rent-level, thereby circumventing local rent control ordinances);<sup>95</sup> substantially limiting the ability to convert rental housing to condominiums based on the vacancy rate;<sup>96</sup> limiting annual conversions and demolitions to a fixed number or fixed percentage of the total rental housing stock (annual allowance);<sup>97</sup> and policies to facilitate tenants’ ability to purchase their rental property in the event of a sale or conversion by the property owner.<sup>98</sup>



### Project-Based Preservation

Many affordable housing units are in buildings that are subject to affordability restrictions ensuring the units are affordable to lower-income persons. These restrictions will expire at some point in the future, threatening the affordability of the units. It is important to take efforts to preserve these units; otherwise, more people will be displaced. Acquisition funds for green infrastructure development should be coordinated to allow nonprofit housing developers to access funding to preserve existing affordable housing and extend affordability covenants near parks and green space.<sup>99</sup>

Jurisdictions can also collect and organize data and maintain an early warning system to track affordable housing at risk of losing affordability restrictions. In addition, in California, local agencies should enforce notice and purchase offer rights provided by state law with respect to affordable properties at risk of conversion



to market rate due to expiring covenants.<sup>100</sup> Community and specific plans could be designed to require an inventory of units that: are subject to a recorded covenant or law restricting rents to levels affordable to low-income households; are subject to the jurisdictions' rent stabilization ordinance; and/or are currently occupied by low-income tenants. Such programs can be strengthened by additional requirements for annual reporting on evictions pursuant to the Ellis Act,<sup>101</sup> condo conversions, and residential demolitions, as well as strategies and policies to respond to a loss in affordable units. As discussed above, policies are also needed to protect renters from unjust evictions and to ensure that green infrastructure investments do not lead to increased demolitions or conversions of affordable homes to luxury condominiums.

## DISPLACEMENT IMPACT REPORTS

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To advance equitable development, proponents of green infrastructure investments and developments over a certain size could be required to produce a Displacement Impact Report. Just as an Environmental Impact Report assesses the potential environmental impacts of a particular project, a Displacement Impact Report can identify, analyze, and propose mitigation for potential significant displacement impacts associated with green development. A Displacement Impact Report should be prepared at the earliest possible time in the green infrastructure investment process. A Displacement Impact Report should analyze the direct or indirect impact of the project on the surrounding housing stock. Specific measures that could be looked at for an impacted neighborhood include, for example: current rent burden of residents; changes in income levels of residents over time; number of renters versus homeowners; median income of the neighborhood relative to the rest of the city; tenant protections in place and the enforcement thereof; number of units with affordability covenants in place and status of such covenants; number of units covered by rent control or rent stabilization laws; and number of parcels with underutilized development capacity. The Displacement Impact Report should also assess impacts on locally-owned businesses at risk of being displaced. Local residents can help identify locally-owned businesses early in the green infrastructure planning process so that jurisdictions and park agencies can plan proactively to implement policies to prevent their displacement.

## COMMUNITY BENEFIT AGREEMENTS

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Community Benefit Agreements (CBAs) typically arise as contracts between developers and community coalitions that detail a series of commitments that the developer promises to attach to the project in exchange for public support.<sup>102</sup> CBAs tend to involve time-intensive processes and broad coalitions of stakeholders advocating to secure multiple commitments, such as affordable housing, local source hiring provisions, living wages, job training, and childcare facilities. CBAs can be attractive mechanisms for green infrastructure investments because they can provide communities with benefits particular to the needs of local residents and help address the direct impacts of the project on local residents.

## JOINT DEVELOPMENT OF PARKS & OPEN SPACE & HOUSING

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Joint development of parks and housing occurs when a local agency, such as a parks agency, partners directly with a private or nonprofit developer to develop affordable housing integrated with green infrastructure. Joint development offers a promising opportunity for green development without displacement and addresses the need for improved park access for low-income households. In recent years, park agencies have increasingly focused their attention on creating urban parks in park-poor areas and providing programs that aim to increase lower-income households' access to green amenities. This shift in focus creates opportunities for joint development of affordable housing and urban greening to advance equitable, sustainable growth.

Park agencies can replicate the joint development model used by transit agencies. In many jurisdictions, transit agencies have programs to partner directly with a private developer to develop affordable housing on agency-owned property.<sup>103</sup> Transit agencies with joint development affordable housing policies report that transit-adjacent affordable housing generates increased ridership, which induces higher fare revenue and increased competitiveness for federal grants.<sup>104</sup> Park and conservation agencies can play a similar role as transit agencies in developing integrated projects with park and non-park elements—namely affordable housing, but also commercial and mixed-use elements. The mutual benefit to the partnering agencies could include cost-sharing,

cultivating long-term park stewards among on-site residents, and capturing some of the economic value of new parks.

Joint development of parks and open space and housing can take several forms, depending on the scale of the project and the needs of the community.<sup>105</sup> To create a framework for joint development of open space and affordable housing, park agencies should identify potential sites for future acquisition that are suitable for joint development. Advocates and community-based organizations can assist in this process by identifying surplus property owned by park agencies or that might be acquired by park agencies and later become surplus. Park agencies and conservation authorities should then create an acquisition funding source for developer-initiated acquisition and identify green development funding sources that affordable housing developers would be eligible to use for acquisition financing of parcels suitable for joint development in partnership with the agency. Agencies should also consider transferring surplus agency-owned land to affordable housing developers or affordable housing land banks in order to advance opportunities for existing residents to live in affordable housing near parks.

A recent example of joint development by a park agency is the Hale Mauiola Navigation Center in Honolulu, Hawaii, a 93-unit temporary homeless shelter operated on state land leased from the Board of Natural Resources.<sup>106</sup> Another example is the development of Unity Park in Greenville, South Carolina, which is a larger park project that includes affordable housing.<sup>107</sup>

## **SURPLUS PUBLIC LAND DISPOSITION**

The California Surplus Land Act (SLA) is a state law that directs local agencies to prioritize the development of affordable housing and public green space when selling or leasing their surplus land. The SLA requires a local agency, before disposing of surplus land, to send a written offer to sell or lease the land to various eligible entities, such as public entities, housing authorities, park or recreation departments, regional park authorities and the Natural Resources Agency.<sup>116</sup> A local policy implementing the SLA can help address the needs of those most at risk of displacement as a result of green infrastructure investment. Jurisdictions in California should adopt a local surplus public land policy to enforce these important state law requirements.

## **Unity Park in Greenville, South Carolina**

Unity Park in Greenville, South Carolina is one of many city parks in the United States being built using an equitable development model to meet the needs of underserved communities through a combination of policies, community programs, and place-making.<sup>108</sup> Previously known as Mayberry Park, it was the only park open to black residents in Greenville for decades.<sup>109</sup> Today, the park and the Southernside neighborhood around it are being transformed into what is intended to be both a symbol and a driver of inclusivity. Greenville's planned 60-acre Unity Park, scheduled to open in 2021, will incorporate the site and history of Mayberry Park into its footprint.<sup>110</sup> Plans for Unity Park also allow the city to earmark publicly-owned land in the surrounding areas for affordable housing development.<sup>111</sup>

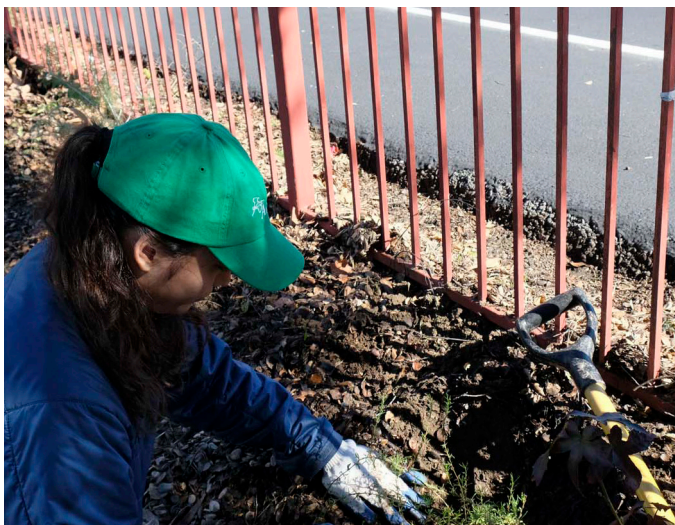
Unity Park's affordable housing component, overseen by the nonprofit Greenville Housing Fund, is intended to serve as a buffer against wholesale displacement of the community in the Southernside neighborhood. Greenville Housing Fund advocates for and invests in affordable housing throughout the county and serves as a land bank to acquire land for affordable housing development. The city is currently in the process of transferring ownership of publicly-owned land to the land bank while Greenville Housing Fund conducts a feasibility study aimed at identifying the best options for maintaining housing affordability in Southernside.<sup>112</sup> The city has also collaborated with stakeholders to develop a final design plan for Unity Park that incorporates the history of Mayberry Park through interpretive signage that will tell the story of the once-segregated space.<sup>113</sup> Community advocates have said they are pleased with the inclusivity of the planning process.<sup>114</sup>

# Aligning Funding with Equitable Outcomes

Local, state, and federal funding processes associated with infrastructure development offer necessary and important opportunities to advance an equitable green development framework. Rather than advocating for equity after funding has been distributed, setting parameters *governing* the distribution of funds that include equity is a more systemic and effective way to guide green space expansion and development so that it is more responsive to community needs.

## FUNDING ELIGIBILITY & PROJECT SELECTION

Many green infrastructure projects require large scale grants or subsidies. The allocation of these grants and subsidies typically involve applications and/or public bidding procedures that include eligibility criteria and standards governing selection and awards. These criteria can be designed to help minimize green gentrification and promote equitable green development by specifically focusing on anti-displacement and inclusive outcomes. For example, RFPs can be shaped to require an assessment of displacement impacts and a showing of no-net-loss of affordable housing. Selection criteria may be drafted to give competitive advantage to projects that include community benefits like affordable housing, local and targeted hiring, and protections for community-serving small businesses. Aligning green development and equity at the front-end financing stage is a crucial tool to ensure the eventual development is inclusive and responsive to equitable green development standards.



## Setting Parameters for Funding: Los Angeles Measure A Displacement Avoidance Policy

The Los Angeles County Safe, Clean Neighborhood Parks and Beaches Measure (Measure A) was approved by voters in 2016 to fund local parks, beaches, open space, and water resources and will generate over \$90 million per year.<sup>117</sup> Concerned that such a large annual allocation could lead to issues of green gentrification, advocates, led by SEACA and other members of LA ROSAH, worked with the County Regional Parks and Open Space District (RPOSD) to incorporate a series of displacement avoidance strategies as part of the Measure A expenditure plan, which was approved by the LA County Board of Supervisors on March 5, 2019.<sup>118</sup>

The Displacement Avoidance Policy includes three key elements:

1. a series of incentives to encourage project applicants to incorporate displacement avoidance strategies as part of their project, including collaboration with affordable housing developers and tenants' rights organizations;
2. the creation of a data collection and evaluation system to track the impact of park investments over time, including impacts on neighborhood stability and displacement;
3. the establishment of a Displacement Avoidance Task Force to provide RPOSD support and oversight in their efforts to implement the Displacement Avoidance Policy.<sup>119</sup>

## VALUE CAPTURE PROGRAMS

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### Linkage Fees

An increasing number of jurisdictions are electing to charge a “linkage fee” (sometimes called an “impact fee”) on new residential development to help finance affordable housing. Linkage fees are so-named because they address the link between new development and increased demand for affordable housing. Typically, fee revenue is deposited in a housing trust fund and used to facilitate construction of additional units for low- and moderate-income households or to achieve other affordable housing goals. The City of Los Angeles enacted a linkage fee in December 2017 that is expected to generate approximately \$1 billion for the city’s affordable rental and homeownership housing programs over the next decade.<sup>120</sup>

### Tax Increment Financing

Tax Increment Financing (TIF) is a mechanism used by many jurisdictions today to finance urban revitalization and green infrastructure development. TIFs enable local governments to borrow from future tax revenue to pay for area development or revitalization.<sup>121</sup> Stakeholders can organize and advocate for the creation of a TIF system that ensures increased value from green infrastructure investments is directed to low-income communities. TIF programs should implement above-discussed policies and criteria to mandate that a significant portion of TIF revenue be allocated to the production and preservation of affordable housing for low-income households in park-adjacent areas, and not be used in connection with projects that displace residents. Implementing authorities should ensure that any new TIF proposal does not exclude low-income communities in green infrastructure investment areas.

## APPLICATION OF CIVIL RIGHTS LAWS

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Federal and state funding are subject to compliance with a number of civil rights laws.<sup>122</sup> One such example is Title VI of the Civil Rights Act, which prohibits discrimination based on race, color, or national origin in any program or activity that receives federal funding.<sup>123</sup> A similar California state law prohibits discrimination in state-funding activities.<sup>124</sup> In addition, Executive Order 12898,

Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, signed by President Clinton in 1994, requires federal agencies to identify and address “disproportionately high and adverse human health or environmental effects of [their] programs, policies, and activities on minority populations and low-income populations.”<sup>125</sup> In California, Assembly Bill 686 (AB 686), passed by the State Legislature in 2018, requires jurisdictions receiving state funding to certify that they are affirmatively furthering fair housing.<sup>126</sup>

There are also federal and state laws that require language access. Executive Order 13166, Improving Access to Services For Persons with Limited English Proficiency, signed by President Clinton in 2000, requires federal agencies to “develop and implement a system by which LEP persons can meaningfully access those services.”<sup>127</sup> Projects receiving federal funding must comply with Executive Order 13166. Further, pursuant to California Government Code § 7293, every local agency “serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person.”<sup>128</sup>

These civil rights laws tie federal and state funding to equitable outcomes, and provide a means for community stakeholders to enforce basic standards of equity and ensure that green infrastructure is responsive to the needs and priorities of low-income communities and communities of color.





# Enhancing Economic Opportunities

Preventing green gentrification and promoting equitable green development involves more than just housing policy. The absence of quality jobs and the loss of community-serving and culturally significant small businesses are fundamental drivers of community instability and displacement. Economic justice—including strong policies to advance quality employment and inclusive entrepreneurship in low-income neighborhoods—is a cornerstone of a comprehensive equity framework. Green infrastructure investments need to be coordinated with policies that aim to ensure protection of the economic needs of local communities. This can be done by promoting businesses and career opportunities at all skill levels, career advancement, and income mobility.

## SMALL BUSINESS DEVELOPMENT

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A healthy and thriving small business economy with ample low-income entrepreneurship opportunities is key to ensuring that low-income communities are able to access the benefits of new green infrastructure and development. Effectively aligning green development with small business opportunities involves tools supporting the creation of new small businesses, opening green space to micro entrepreneurship, and ensuring the preservation of existing community serving and culturally significant small businesses.



### Preserve Existing Community-Serving Small Business

Equitable green development requires preserving existing community-serving small businesses in low-income communities. Green infrastructure investments should be paired with lending programs, grants, technical assistance resources, incentives for long-term leases for local small businesses, and eviction protections for small business lessees. For example, LA Metro's Business Interruption Fund provides grants to cover certain fixed operating expenses, such as utilities, rent, and payroll, to small "mom and pop" businesses affected by transit rail construction.<sup>129</sup> A similar such fund could be set up for existing small businesses affected by green infrastructure projects.

In addition, jurisdictions can support existing small businesses through procurement preference policies. The agency overseeing the green infrastructure project should offer priority to local businesses for contracting opportunities in construction, landscaping, maintenance, programming, purchasing of goods and supplies, etc. Land use plans should also include incentives to developers who prioritize local businesses. Local governments can also make use of historic designation to preserve culturally significant institutions, as well as legacy small businesses.



### Support Small Business Development

There are numerous ways that green development can be paired with small business development. For example, the creation and preservation of park space should be aligned with programs to allow low-income entrepreneurs to engage in street vending and access park concession opportunities.

Zoning policies can also encourage desired uses, including sidewalk vending, healthy food retail, federally qualified health centers, childcare, and cultural and community centers. Land use policies can also incentivize reduced rent retail space for community-serving small businesses by providing incentives such as density increases and parking reductions to development projects that set aside retail space available exclusively to such uses on more favorable terms.

Green infrastructure investments could be implemented with small business incubator programs to staff, train, coordinate, and connect local entrepreneurs to the opportunities and technical assistance needed to create successful self-sustaining businesses that are engines for economic growth and job creation in the surrounding communities. This includes a focus on programs designed to address the unique needs of early stage entrepreneurs (pre-start-up through growth stage). Local agencies should earmark funding for small business initiatives, including financial assistance and training and technical assistance for businesses that could benefit from the economic opportunities of green investment. In addition, jurisdictions can establish vending or kiosk-based food services in parks and green space featuring small businesses from the surrounding impacted areas.<sup>130</sup>

## SUPPORT LOCAL WORKERS

It is well-established that green infrastructure investments encourage economic activity in surrounding communities. In order to ensure that existing area residents reap the benefits of public and private green infrastructure investments, policies are needed to support the local workforce and enable workers to participate in new opportunities as they arise. Through local and targeted hiring combined with job training and placement programs, green infrastructure investments can advance the long-term well-being of surrounding neighborhoods.

### Local and Targeted Hire

Local hire ordinances, both for construction activities and ongoing operation of businesses in neighborhoods targeted by green infrastructure investment, are a critical component of strengthening the local economy while reducing the environmental impacts of workers commuting long distances. To advance this objective, jurisdictions can designate funding for local workforce development and provide job training for impacted park-area residents, including programs that focus on training future contractors and construction workers for green infrastructure development. Jurisdictions can also use land use plans to incentivize affordable housing projects that meet pre-defined local hire construction employment standards.

Targeted hire programs specifically prioritize job training and hiring for local residents and individuals facing barriers to employment, including people experiencing homelessness, single parents receiving public assistance, veterans, individuals without a GED or high school diploma, former foster youth, and individuals with a criminal record or suffering from chronic unemployment.

In implementing local and targeted hire programs, jurisdictions should partner with community-based organizations and worker centers that serve local workers with barriers to employment.

### Living Wage

Living wage policies enacted with strong monitoring and enforcement mechanisms are another powerful tool in generating higher incomes and local wealth. Local hiring policies can be coupled with living wage requirements as well as programs to maintain and increase the availability

of living wage jobs for residents in the surrounding neighborhood.

### Job Training

Equitable green development policies need to enable local workers to participate in the full spectrum of new economic opportunities created by green infrastructure investments. Job training programs should be available to equip workers with skills necessary for jobs beyond those subject to local and targeted hire policies. Economic and workforce development are critical policies to stabilize communities and create displacement resilience.



# Community Engagement and Ownership

Structures and systems that advance community engagement and ownership of development projects is essential to equitable green development.

## BUILDING CAPACITY AND IMPROVING ACCESS

Collective community participation can help provide the basis for changes to land use plans that in turn help prevent (or mitigate) displacement and community disruption. In order for community members to engage fully, they need both resources and accessible opportunities for meaningful involvement.

### Stakeholder Notification

Jurisdictions should develop a district-wide notification system to alert stakeholders to new development activity in their neighborhood. Community stakeholders can more effectively participate in shaping development plans that incorporate community and cultural institutions, provide adequate housing types, and preserve businesses the community depends on when they can communicate early and often with developers.

With regard to the system of notification, while an online system with robust promotion via social media platforms has the ability to reach a large number of stakeholders, an online only system also has the ability to exacerbate existing inequalities by excluding residents and stakeholders with language and/or technological barriers, such as the elderly, limited English proficient residents, houseless individuals, and those who cannot afford access to the internet or web-enabled devices.

### Language Access

Language access for limited English proficient (LEP) individuals is both a matter of equity and a right under existing federal and state civil rights laws. LEP individuals are nearly twice as likely to be living in poverty as English speaking residents,<sup>131</sup> and therefore more likely to suffer the negative impacts of green gentrification. This is especially true in places like California, the most linguistically diverse state in the nation where 220 languages are spoken and 44% of residents speak a language other than English at home.<sup>132</sup> As discussed in a prior section, federal and state laws protect and require language access, including Title VI of the Civil Rights Act, Executive Order 13166, and California Gov. Code § 7293.

Effective language access programs require authentic, culturally sensitive, multilingual communication and engagement strategies. While language access requirements will vary depending if a project is subject to federal or state requirements (or both), projects must begin with an initial assessment of linguistic and cultural needs of local communities in the surrounding areas of the project and utilize both nationally recognized data sources, such as the Census, as well as key informant interviews with experts in the local community. The latter is particularly crucial in providing more nuanced local information that may not be captured by national data sources, such as the literacy levels of local residents or which dialects are predominantly spoken in a neighborhood. At a minimum, projects should provide culturally and linguistically appropriate interpretation and translation services for any language that is spoken by at least 3% of residents in each census tract that will be directly impacted by a project. This includes census tracts that are directly adjacent to a project as well as tracts that may not be directly adjacent to a project but are likely to experience adverse impacts, such as increased traffic congestion due to project related street closures.

### Strengthening Community Knowledge and Skills

Equipping people with the knowledge, skills, and coaching to engage in decision-making processes not only amplifies their voices and power, it also makes policies, practices, and advocacy efforts more responsive to the needs and perspectives of people who will be most directly impacted. Individual knowledge and skills in the areas of financial literacy, employment, and entrepreneurship can help residents navigate some displacement pressures before they arise, while leadership coaching empowers residents to advocate for what they and their communities need. Park agencies can promote individual capacity for participation by providing popular education and leadership development on governance and land use planning and policymaking processes, which in turn will equip local residents, youth, and others with strong community ties to become civic leaders and decision-makers.

## Partnership with Community-Based Organizations

Green infrastructure investments should be designed in partnership with community-based organizations rooted in, and accountable to the needs of residents.<sup>133</sup> In Los Angeles County, organizations like SEACA, Mujeres de la Tierra and Little Tokyo Service Center are pioneering efforts to use park projects as vehicles for equitable community development. Partnerships with community-based organizations can help create long-term local stewardship by park-adjacent communities. By engaging with community-based organizations to encourage and prioritize local residents' participation in planning and decision-making processes, green infrastructure investments can achieve better integration of area-specific needs and protect communities against displacement.

### What Community-Owned Development Enterprises Look Like: Little Tokyo Service Center

There are promising examples of organizations throughout the United States structured as community-owned development enterprises. For instance, the Little Tokyo Service Center (LTSC) is a 501(c)(3) nonprofit that provides culturally competent programs and services to the Asian and Pacific Islander community of the Little Tokyo neighborhood in Downtown LA. In line with its mission, LTSC works to shape development in Little Tokyo in order to preserve one of the last three remaining “*Japantowns*” in California. Over the years, LTSC has engaged with more than 15 partners on 22 development projects to establish over 800 affordable housing units and 125,000 square feet of community facility space. LTSC’s long-term strategic partner, the Little Tokyo Community Council—a neighborhood council comprised of over 90 businesses, community leaders, and community-based organizations—helps to set LTSC’s strategic development priorities and to ensure that the community’s voice is heard and reflected in those projects.<sup>134</sup>

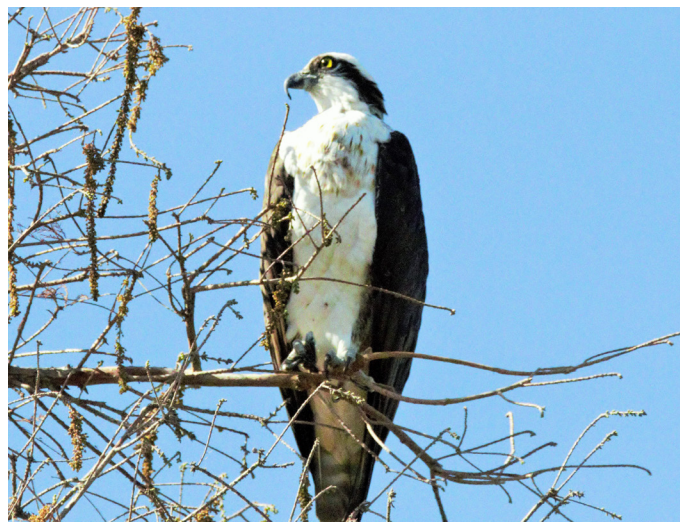
Similar approaches and achievements can be seen in the work of the East LA Community Corporation (ELACC) located in East LA<sup>135</sup> and the Codman Square Neighborhood Development Corporation (CSNDC) located in the Dorchester neighborhood of Boston.<sup>136</sup>

## COMMUNITY OWNERSHIP

Creating a framework to enable community ownership of rental units is a promising strategy for preserving affordable housing and combatting displacement. Tenant/ community opportunity to purchase (TOPA/COPA) is an emerging anti-displacement tool that can be used to preserve affordable housing, empower tenants, and stabilize low-income communities facing displacement. TOPA/COPA policies require landlords to notify tenants if they are planning to sell their building and provide tenants (and the community) the opportunity to collectively purchase the building.<sup>137</sup>

Community Land Trusts (CLTs) are another established vehicle to facilitate community ownership.<sup>138</sup> While CLTs and other land-owning entities and programs that govern the terms for owners and tenants are not new, they are gaining attention as an important housing strategy to facilitate community ownership and ward off displacement. CLTs often set ground rules around the resale of units as a way of guaranteeing perpetual affordability. Because CLTs also include mechanisms to ensure community-informed decision-making regarding the land and the building – for example, the building may be owned or leased by a cooperative representing the community – CLTs facilitate greater control over local resources.

As with all strategies in this Guide, policies should be tailored to the communities who will be impacted by a green infrastructure project. CLTs and TOPA/COPA policies may not be effective for communities at the lowest income levels because they likely do not have the resources to make the financing work.



## Community Land Trusts in Los Angeles

T.R.U.S.T. South LA is a community-based organization that works to build community control of land in Los Angeles to stem the tide of displacement in neighborhoods where increased property values and rents are forcing out long-time residents.<sup>139</sup>

The organization has leveraged laws regulating the disposition of public land to strategically acquire sites for affordable housing development.<sup>140</sup> For instance, T.R.U.S.T. South LA successfully acquired a seven-acre Brownfield site formerly owned by the Los Angeles Redevelopment Agency to develop a community-controlled project which will include 121 affordable homes, a community center, and a four-acre public park.<sup>141</sup>

T.R.U.S.T. South LA's success provided a model for other community-based coalitions such as the Eastside Leadership for Equitable and Accountable Development Strategies (Eastside LEADS)<sup>142</sup> to explore strategies, in partnership with Los Angeles County, for creating additional CLTs. Beginning in 2018, Eastside LEADS has been reaching out to residents in East LA to assess community needs, with the goal of creating a community-driven business plan for the creation of a CLT in order to combat displacement.<sup>143</sup> Part of this process involves surveying publicly-owned land in the area to identify a viable starting point for a CLT.<sup>144</sup>

## ACCOUNTABILITY AND MONITORING

An equitable development framework requires measures to assure accountability and monitoring after a project opens. Accountability and monitoring strategies include, but are not limited to, meaningful community stakeholder involvement, culturally authentic and relevant park design and decision-making, proper timelines, initial assessments and mapping of communities that are vulnerable to displacement, adaptive policymaking, and ongoing affordable housing remedies. Jurisdictions can create a framework that allows for adjusting policies after green infrastructure development or revitalization is underway to provide increased protective measures for vulnerable area residents and small businesses in response to displacement impacts as they occur. In addition, equitable green development can be advanced through the creation

of a task-force dedicated to enforcing anti-displacement policies. Successfully implemented anti-displacement mitigation and monitoring will serve as evidence of accountability, thereby increasing community support for future green infrastructure investments.

## COMMUNITY STEWARDSHIP

Preserving the long-term stability of park adjacent neighborhoods requires ongoing stewardship. Park agencies should maintain a consistent and engaged presence in the community through education and engagement with local public schools and other community institutions. For example, agencies could offer instruction in habitat restoration, growing and planting native plants, and sustaining biodiversity. These educational efforts can lead to the creation of a corps of park stewards who will become irreplaceable caretakers of neighborhood green spaces.<sup>145</sup> Robust local park stewardship may pave the way for future opportunities to advocate for greater protections against potential displacement impacts under state and federal environmental protection laws, such as the California Environmental Quality Act and the National Environmental Protection Act.<sup>146</sup>



# Design and Operations

While parks are meant for everyone to enjoy, in gentrifying neighborhoods, park design, operations, and policing are often cited by low-income residents as the reason they feel excluded. As such, inclusive design, operations, and programming are vital components of equitable green development policies. Exclusive design and policies that disproportionately harm people of color, youth, and unhoused people, must be actively avoided.

## DESIGN AND HOSTILE ARCHITECTURE

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Design plays a large role in whether low-income long-term residents feel that a new park is open to them. One of the most common examples of exclusionary design is hostile architecture which uses design elements such as limited seating, studs embedded in flat surfaces, gates around parks, and sprinklers that are pointed onto sidewalks to discourage individuals who are perceived to be engaging in undesirable behaviors such as crime and drug use from using the park. However, hostile architecture generally has a disproportionate impact on populations that rely on public space more than others, specifically youth, the elderly, and unhoused people.<sup>147</sup> Instead, agencies should eliminate hostile architecture in public parks by intentionally designing parks for more park dependent populations and helping to connect high need park users with services.

Hostile architecture is not limited to parks themselves but also to the private property immediately adjacent to parks and properties that utilize public easements and right of ways. Examples include large scale, fortress-like developments built around a public park<sup>148</sup> or intentionally misleading “*private property*” signs that confuse community members into believing public space is private.<sup>149</sup>

Park agencies can utilize their role as an adjacent property owner to limit the proliferation of hostile architecture throughout a broader community. Agencies should engage with city planning departments to advocate for land use policies and design standards that promote more inclusive development, community-oriented design standards, and encourage better pedestrian connectivity to parks. Agencies should also provide public comment on individual projects seeking public entitlements or public easements and right of ways.

## PROGRAMMING AND OPERATIONS

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While parks are designed to provide maximum access and enjoyment to the broadest range of users, decisions around park programming and operations that do not take into consideration all users at the front end of the planning process can lead to a number of unintended consequences. In one high profile example, the City of San Francisco began utilizing a citywide reservation system for use of its public facilities. For a \$27 fee, users could reserve basketball courts, soccer fields, and other popular facilities either online or in-person at the Recreation and Parks Department headquarters. The reservation system ended up excluding youth and low-income residents who could not afford the \$27 reservation fee or who were unable to make a reservation due to language and/or tech barriers. The reservation system ended up exacerbating existing tensions between higher-income newer residents who used their reservations to kick out low-income long-term residents who used a more informal system based on historical neighborhood agreements for playground use. In one case that was captured on a video that went viral, a group of tech workers began verbally abusing a group of youth in an attempt to enforce their reservation.<sup>150</sup>

While the San Francisco example is an extreme example, the trend towards the privatization of public spaces is one that has been gaining momentum all across the country. One notable example of “greenlining” is Foothills Park in Palo Alto, which explicitly excludes non-Palo Alto residents from using the park.<sup>151</sup> This type of policy functions as a form of institutional segregation since often “outsiders” come from lower socio-economic communities. The COVID-19 pandemic has also accelerated this trend. Public sidewalks are being taken over by private restaurants for outdoor dining and fitness instructors regularly use public parks to hold private fitness classes. Unfortunately these private uses often require the over-policing, harassment, and eviction of more vulnerable park users including the unhoused, street vendors, and youth.

Recommended strategies include developing population-specific programs and engagement such as a targeted youth strategy and a separate senior-focused strategy. This will require park agencies to engage in regular assessments of park users as well as the surrounding neighborhood to understand who lives, works, and attends school in the area and are likely park users before developing their outreach and engagement strategies.

Park agencies should also develop innovative partnerships that connect high need populations with programs and services rather than design that pushes them out, or worse, harassment and police intervention. Examples include Woodruff Park in Atlanta where a full-time case manager is assigned to connect park users with social services<sup>152</sup> and Los Angeles' Metropolitan Transit Authority which funds homeless outreach teams on Metro buses and light rail lines.<sup>153</sup>

## PUBLIC SAFETY AND POLICING

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Public safety and policing in parks and open spaces has historically functioned to exclude low-income residents from these spaces and disproportionately harmed people of color, especially Black people, unhoused people, youth, and gender-nonconforming people. As such, public safety planning for parks and open space must be approached with care and with an eye toward racial and economic justice.

Public safety looks different for different communities, and agencies should consider these different conceptions of public safety in the planning, design, and operation of parks and open space. This effort requires working with the community to find the right strategies to maximize public safety for the specific park. Community co-design and management of parks should include dialogues about safety and what the term "public safety" means to the unique members accessing the park and be responsive to community suggestions. While all communities want to feel safe in parks and open spaces, agencies should not assume that "public safety" is synonymous with policing and in fact, conflict resolution strategies are likely to be a more effective intervention.<sup>154</sup> Indeed, because of the disproportionate harm caused by policing on Black people and communities of color, public safety strategies for parks and open space should actively avoid involving the police.

There are numerous public safety strategies that can be pursued in parks that do not involve the police and that make everyone feel safe. For example, design, such as adequate lighting and increased visibility can foster public safety. Fostering community stewardship and guardianship for the care of public space can also deter the need for police engagement and prevent crime. Further, the promotion of the park's positive programming can deter criminal uses from developing. Finally, research indicates good maintenance and adequate staffing also enhance safety in parks over time.<sup>155</sup> In addition to engaging the community, park agencies should work with other city departments to identify other city resources as alternatives to policing.





## Conclusion

Public development of parks and green infrastructure increases livability, access, safety, and health for the greater community. However, without proper protections in place, green infrastructure investments can accelerate the gentrification and displacement of low-income communities and communities of color they purport to help. But there are many policy tools available to ensure that green infrastructure investments are made equitably and inclusively.

This Guide is intended to serve as a framework for equitable green development and provide a menu of policy options that park and conservation agencies, in partnership with communities, can pursue to combat the displacement impacts of green investments, rectify past harms, and advance racial and economic justice. By pursuing green investments in an equitable and inclusive manner, park and conservation agencies can help ensure that all communities are able to benefit from parks and green space for generations to come.



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<sup>87</sup> See Robert Hickey, Lisa Sturtevant and Emily Thaden, "Achieving Lasting Affordability through Inclusionary Housing," Lincoln Institute of Land Policy (July 2014), <https://www.lincolninstitute.edu/publications/working-papers/achieving-lasting-affordability-through-inclusionary-housing>.

<sup>88</sup> Also called "public benefit zoning," "land value sharing," or "land value recapture."

<sup>89</sup> Public Counsel and Alliance for Community Transit-Los Angeles (ACT-LA), "Planning for an Equitable Los Angeles: A Guide to Shaping LA's New Community Plans," 7.

<sup>90</sup> The text of the initiative is available at [http://www.allianceforcommunitytransit.org/wp-content/uploads/2017/03/MeasureJJJ\\_FullText.pdf](http://www.allianceforcommunitytransit.org/wp-content/uploads/2017/03/MeasureJJJ_FullText.pdf).

<sup>91</sup> *Ibid.*; Andrew Khouri, "L.A. Developers Grapple with Affordable-Housing Measure Passed by a Wide Margin," Los Angeles Times, November 10, 2016, <https://www.latimes.com/business/la-fi-jjj-election-20161109-story.html>.

<sup>92</sup> Transit Oriented Communities Affordable Housing Incentive Program Guidelines, prepared by Department of City Planning (Los Angeles, CA, February 26, 2018), 7-8, <https://planning.lacity.org/ordinances/docs/toc/TOCGuidelines.pdf>; "Affordable Housing & Good Jobs," ACT-LA, accessed January 21, 2020, <http://allianceforcommunitytransit.org/what-is-prop-jjj/>.

<sup>93</sup> Andrew Khouri, "A Little-Noticed Zoning Twist is Set to Spark a Home-Building Boom in L.A.," Los Angeles Times, May 26, 2019, <https://www.latimes.com/business/la-fi-affordable-housing-transit-zoning-20190526-story.html>.

<sup>94</sup> See e.g., Truong, "The People's Plan," 13-14.

<sup>95</sup> *Ibid.*

<sup>96</sup> See, e.g., Santa Monica, Cal., Code § 9.24.040(1)(2).

<sup>97</sup> See, e.g., S.F., Cal., Subdivision Code § 1396.

<sup>98</sup> See, e.g., Cal. Gov. Code § 66427.1(a)(2)(F); Condominium Property Act, 1963 Ill. Laws page no. 1120; Rental Housing Conversion and Sale Act, D.C. MUN. REGS. Tit. 42, Chap. 34 (1983).

<sup>99</sup> See Cowing, "Getting There Together: Tools to Advocate for Inclusive Development Near Transit," 11.

<sup>100</sup> See Cal. Gov. Code §§ 65863.10-65863.11; 65863.13

<sup>101</sup> The Ellis Act is a state law in California that permits landlords to withdraw their units from the rental market, giving them the power to mass evict their tenants. See Cal. Gov. Code § 7060 et seq; see also Bonett, "Priced Out, Pushed Out, Locked Out: How Permanent Tenant Protections Can Help Communities Prevent Homelessness and Displacement in LA County."

<sup>102</sup> See generally Julian Gross, "Community Benefits Agreements: Definitions, Values, and Legal Enforceability," *Journal of Affordable Housing* 17, no. 1-2 (Fall 2007/Winter 2008): 36.

<sup>103</sup> The Federal Transit Administration (FTA) further states that such joint development projects, which could include commercial, residential or mixed-use development, provides mutual benefit and shared cost to all parties involved. The FTA considers this a form of value capture, as such projects capture some of the economic value created by an agency's transit system and uses the funds to help finance expenses. FTA Circular 7050.1A, Federal Transit Administration Guidance on Joint Development (Rev. December 29, 2016), <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA-161221-001%20Joint%20Development%20Circular.pdf>.

<sup>104</sup> Cowing et al., "Getting There Together: Tools to Advocate for Inclusive Development Near Transit," 9.

<sup>105</sup> Yee, "Pathway to Parks & Affordable Housing Joint Development," 12-13. In its 2018 paper, LA ROSAH identified five distinct types of integrated housing and open space scenarios through which public park and conservation agencies can partner with affordable housing developers: transformative infrastructure with housing sites and anti-displacement strategy; neighborhood transformation scattered site approach; large master planned infill development; infill development with housing and open space on-site; and infill development with housing and open space on different sites within the neighborhood.

<sup>106</sup> "Homeless facility made out of retrofitted shipping containers opens in Sand Island," *Hawaii News Now*, November 19, 2015, <https://www.hawaiinewsnow.com/story/30559559/homeless-facility-made-out-of-retrofitted-shipping-containers-opens-in-sand-island/>.

<sup>107</sup> Elizabeth Pandolfi, "New South Carolina Park is Furthering Equitable Development in the Deep South," *Next City*, June 11, 2019, <https://nextcity.org/daily/entry/new-south-carolina-park-is-furthering-equitable-development-in-the-south>.

<sup>108</sup> "Place-making has long taken centre stage in urban planning and design, where capital funding is spent on the shaping and making of high-profile places in towns and cities all over the world. Such places encompass a wide range of areas including parks, civic squares, waterways and open/green spaces in housing estates, both publicly and privately owned and managed. Through place-making, the resultant high-quality public spaces are argued to be economically and socially beneficial for local communities and contribute positively to residents' quality of life and wellbeing." Dempsey, Nicola and Mel Burton, "Defining Place-Keeping: The Long-Term Management of Public Spaces," *Urban Forestry & Urban Greening* 11, no. 11 (2012): 11.

<sup>109</sup> Pandolfi, "New South Carolina Park is Furthering Equitable Development in the Deep South."

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> Eric Connor, "Unity Park: Greenville unveils new \$40 million downtown park with tower, pedestrian bridge," *The Greenville News*, May 17, 2018, <https://www.greenvilleonline.com/story/news/local/2018/05/17/greenville-new-park-unity-park-tower-pedestrian-bridge-trail-river/615648002/>.

<sup>115</sup> Cal. Gov. Code § 54220, et seq.

<sup>116</sup> Cal. Gov. Code § 54220.

<sup>117</sup> Measure A Basics, prepared by Los Angeles County Regional Park and Open Space District, (May 2019), 5-6, [https://rposd.lacounty.gov/wp-content/uploads/2019/05/Measure-A-Basics\\_2019.05.01.pdf](https://rposd.lacounty.gov/wp-content/uploads/2019/05/Measure-A-Basics_2019.05.01.pdf).

- <sup>118</sup> See Los Angeles County Board of Supervisors, Statement of Proceedings, March 5, 2019, Item 1-P.
- <sup>119</sup> See Los Angeles County Regional Park and Open Space District, Grants Administration Manual for Measure A (June 2019), <https://rposd.lacounty.gov/measure-a-grants-administration-manual/>. The anti-displacement efforts are described in Appendix B.
- <sup>120</sup> "Affordable Housing Linkage Fee," Los Angeles Housing and Community Investment Department, accessed January 21, 2020, <https://hcidla.lacity.org/affordable-housing-linkage-fee>.
- <sup>121</sup> Kavya Vaghul, "Is Tax Increment Financing the Pathway to Rebuilding Blighted U.S. Infrastructure?," Washington Center for Equitable Growth, August 15, 2016, <https://equitablegrowth.org/tax-increment-financing-and-u-s-infrastructure/>.
- <sup>122</sup> Cowing et al., "Getting There Together: Tools to Advocate for Inclusive Development Near Transit," 20-21.
- <sup>123</sup> 42 U.S.C. § 2000d.
- <sup>124</sup> Cal. Gov. Code § 11135 (creating a private cause of action for discrimination in state funded or state run activities).
- <sup>125</sup> Exec. Order No. 12898, 59 Fed. Reg. 7629, 7629 (February 16, 1994).
- <sup>126</sup> See Cal. Gov. Code §§ 8899.50 et seq., 65583, 65583.2.
- <sup>127</sup> Exec. Order No. 13166, 65 Fed. Reg. 50121, 50121 (August 16, 2000).
- <sup>128</sup> Cal. Gov. Code § 7293.
- <sup>129</sup> Metro's Business Interruption Fund Fact Sheet, prepared by Los Angeles County Metropolitan Transportation Authority, (October 2019), [http://media.metro.net/projects\\_studies/bif/images/factsheet\\_bif\\_quarterly.pdf](http://media.metro.net/projects_studies/bif/images/factsheet_bif_quarterly.pdf).
- <sup>130</sup> For instance, a food business incubator could provide: (1) small business technical expertise; (2) subsidized rates for commercial kitchen usage; and (3) access to retail opportunities and capital.
- <sup>131</sup> Jie Zong and Jeanne Batalova, "The Limited English Proficient Population in the United States in 2013." Migrant Policy Institute, July 8, 2015, <https://www.migrationpolicy.org/article/limited-english-proficient-population-united-states-2013>.
- <sup>132</sup> U.S. Census Bureau, "Percent of People 5 Years and Over Who Speak A Language Other Than English at Home," 2016 American Community Service 1-Year Estimates, October 24, 2017, [https://cdn.census.gov/attachments/census-other\\_than\\_english.pdf](https://cdn.census.gov/attachments/census-other_than_english.pdf); Maura Dolan, "With 220 Languages Spoken in California, Courts Face an Interpreter Shortage," Los Angeles Times, September 5, 2017, <https://www.latimes.com/local/lanow/la-me-ln-court-interpreter-20170905-story.html>. For further examples on language accessibility, the New York City Parks Language Access Implementation Plan provides detailed examples and strategies for ensuring accessibility. See Parks Citywide Operations, Language Access Plan (NYC Parks, 2018).
- <sup>133</sup> See generally Ann Curry-Stevens, Gerald Deloney, and Matt Morton, "Rethinking Services with Communities of Color: Why Culturally Specific Organizations Are the Preferred Service Delivery Model," *Sociology Mind* 9 (June 13, 2019): 183-206, <https://doi.org/10.4236/sm.2019.93013>.
- <sup>134</sup> For more information on LTSC, consult the website at <https://www.ltsc.org/>.
- <sup>135</sup> ELACC advocates for economic and social justice in Boyle Heights and East Los Angeles by building grassroots leadership, developing affordable housing and neighborhood assets, and providing access to economic opportunities to low- and moderate-income families. For more information, see <http://elacc.org/>.
- <sup>136</sup> For more information, see <https://www.csndc.com/>.
- <sup>137</sup> "Tenant/ Community Opportunity to Purchase," All-In Cities, accessed June 5, 2020, <https://allincities.org/node/57486>.
- <sup>138</sup> Joe Linton, "Community Land Trusts: An Overlooked Model for L.A. Housing Affordability," *Streetsblog LA*, August 3, 2017, <https://la.streetsblog.org/2017/08/03/community-land-trusts-an-overlooked-model-for-l-a-housing-affordability/>; Aline Reynolds, "Oakland Land Trust Finds More Ways to Preserve Affordable Housing," *Next City*, September 10, 2018. <https://nextcity.org/daily/entry/oakland-land-trust-finds-more-ways-to-preserve-affordable-housing>.
- <sup>139</sup> T.R.U.S.T. South LA, <https://trustsouthla.org/mission/>.
- <sup>140</sup> Doug Smith and Katie McKeon, "Public Land for Public Good," *UCLA L. Rev.*, September 25, 2018, <https://www.uclalawreview.org/public-land-for-public-good/>.
- <sup>141</sup> "Slauson and Wall Moving Forward," T.R.U.S.T. South LA: Blog, February 22, 2017, <https://trustsouthla.org/slauson-and-wall-moving-forward/>; Penn Loh, "How One Boston Neighborhood Stopped Gentrification in Its Tracks," *YES! Mag*, January 28, 2015, <http://www.yesmagazine.org/issues/cities-are-now/how-one-boston-neighborhood-stopped-gentrification-in-its-tracks> (describing the Dudley Street Neighborhood Initiative's use of eminent domain to acquire land and establish a community land trust in Boston).
- <sup>142</sup> Eastside LEADS, <https://www.eastsideleads.org/english>.
- <sup>143</sup> See Smith and McKeon, "Public Land for Public Good."
- <sup>144</sup> *Ibid.*
- <sup>145</sup> For example, community stakeholders could become involved with identifying and establishing local Monarch Waystations and/or Important Bird Areas (in partnership with the local chapter of the Audubon Society). See Monarch Waystation Certification Requirements, Monarch Watch, [https://www.monarchwatch.org/waystations/waystation\\_requirements.pdf](https://www.monarchwatch.org/waystations/waystation_requirements.pdf); Daniel Cooper, *Important Bird Areas of California* (Audubon California 2004).
- <sup>146</sup> Cal. Pub. Resources Code § 21000 et seq. (the California Environmental Quality Act, or CEQA). U.S.C. § 4331 et seq. (the National Environmental Protection Act, or NEPA).
- <sup>147</sup> Winnie Hu, "'Hostile Architecture': How Public Spaces Keep the Public Out," *New York Times*, Nov. 14, 2019, <https://www.nytimes.com/2019/11/08/nyregion/hostile-architecture-nyc.html>.
- <sup>148</sup> Christopher Hawthorne, *Faux New World At Glendale's new mega-project, is a park really a park? Maybe Not*, Los Angeles Times, May 4, 2008, <https://www.latimes.com/archives/la-xpm-2008-may-04-tm-space4-story.html>.
- <sup>149</sup> Dan Weikel, *Two Malibut Property Owners Fined \$5.1 Million for Blocking Access to Public Beach*, Los Angeles Times, Dec. 9, 2016, <https://www.latimes.com/local/lanow/la-me-headlines-coastal-fines-20161208-story.html>.
- <sup>150</sup> Julia Carrie Wong, "Dropbox, Airbnb, and the Fight Over San Francisco's Public Spaces," *The New Yorker*, Oct. 23, 2014, <https://www.newyorker.com/tech/annals-of-technology/dropbox-airbnb-fight-san-franciscos-public-spaces>.
- <sup>151</sup> Aldo Toledo, "Palo Alto: Battle Rages Anew Over Fate of Residents-Only Foothills Park," *Mercury News*, July 1, 2020, <https://www.mercurynews.com/2020/07/01/palo-alto-battle-rages-anew-over-fate-of-residents-only-foothills-park/>.
- <sup>152</sup> Adina Solomon, "Why This Atlanta Park Has a Dedicated Case Manager," *Next City*, July 13, 2020, [http://nextcity.org/daily/entry/why-this-atlanta-park-has-a-dedicated-case-manager?utm\\_source=Next+City+Newsletter&utm\\_campaign=27d4cd0720-Issue\\_286\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_fcee5bf7a0-27d4cd0720-44294601](http://nextcity.org/daily/entry/why-this-atlanta-park-has-a-dedicated-case-manager?utm_source=Next+City+Newsletter&utm_campaign=27d4cd0720-Issue_286_COPY_01&utm_medium=email&utm_term=0_fcee5bf7a0-27d4cd0720-44294601)
- <sup>153</sup> City News Service, "Metro Extends Contracts for Homeless Outreach Services," *NBC Los Angeles*, May 24, 2020, <https://www.nbclosangeles.com/news/metro-contracts-for-homeless-outreach-services/135568/>.
- <sup>154</sup> Anna V. Smith, "There's Already an Alternative to Calling the Police," *High Country News*, June 11, 2020, <https://www.hcn.org/issues/52.7/public-health-theres-already-an-alternative-to-calling-the-police>.
- <sup>155</sup> Jim Hilborn, "Dealing with Crime and Disorder in Urban Parks," Washington DC: U.S. Department of Justice Office of Community Oriented Policing Services, 2009, [https://popcenter.asu.edu/sites/default/files/dealing\\_with\\_crime\\_and\\_disorder\\_in\\_urban\\_parks.pdf](https://popcenter.asu.edu/sites/default/files/dealing_with_crime_and_disorder_in_urban_parks.pdf).

# Appendix: How To Implement

## IMPLEMENTING GREENING IN PLACE: PROTECTING COMMUNITIES FROM DISPLACEMENT

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This implementation guide serves to help Community Organizations, Public Agencies, and Funders better understand how to balance the need for parks and housing while mitigating consequences of gentrification. This is a companion piece that should be used with the main guide *Greening In Place: Protecting Communities From Displacement*.

### HOW TO USE THIS COMPANION PIECE

We know it takes a village to get a park built - from community leaders lobbying their elected representatives to funders who donate playground equipment and park agencies responsible for developing and operating the park. While the main guide serves as a comprehensive listing of all the community stabilization strategies, we recognize that each stakeholder will have their strengths and limitations for what they can do. This companion document helps different stakeholders create a more focused set of recommendations specific to their role in the community. To achieve this, we have structured the guide into pre-development, post-development, and development strategies to identify moments of involvement of community, funders, and organizations.

### HOW YOU SHOW UP MATTERS

- Get started early
- Address cultural equity in the community
- Development with community partnerships
- Navigate community politics
- Do not dismiss residents' concerns or issues
- Buy and hire locally

### WHAT'S YOUR ROLE

*How to work together towards a common goal*

- Alleviate the potential stress of the community impact when building parks, housing, or joint developments
- Protect affordable housing options
- Mitigate displacement including natural habitat, birds, other wildlife, small businesses
- More collaboration = maximum community benefits

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### PRE-DEVELOPMENT STRATEGIES

*Align funding with equitable outcomes*

- Incentivize local governments to adopt tenant protection policies
- Incentivize local governments to adopt equitable land-use policies
- Incentivize local governments to engage in affordable housing preservation policies
- Provide relocation assistance for projects that result in the direct displacement of tenants
- Incentivize project applicants to partner with affordable housing, tenants rights, and economic development agencies/organizations
- Require good hiring practices, e.g., local/targeted hire, project labor agreements, prevailing wages
- Require good economic development strategies, e.g., local procurement, small business interruption funds

*Research & Data Collection*

- Do a displacement impact report as a component of due diligence
- Do a neighborhood assessment to identify who currently lives, works, and attends school in the area and are likely users of the park. Develop work with local organizations to create population specific outreach and engagement strategies, for example seniors, youth, etc.
- Identify potential local community partners and partners with housing/tenants rights, economic development expertise

### *Technical Assistance programs*

- Provide training and technical assistance workshops to help project applicants create displacement impact reports and displacement avoidance strategies for their projects

## **POST-CONSTRUCTION**

- Engage in periodic monitoring of neighborhood change
  - Develop community stewardship programs
  - Partner with housing agencies/organizations to host regular tenants rights workshops and clinics
  - Develop community programs that support local economic development (for example night markets with local street vendors, incentivize event hosts to utilize local businesses for catering)
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## **HOW TO IMPLEMENT AS A PUBLIC AGENCY**

### **RESEARCH**

#### Housing vulnerability

Enterprise's Opportunity 360 is a free online tool that compiles data from a number of sources including the latest Census figures to provide a score (1-100) to help assess housing vulnerability. Key indicators people should be looking at are:

- Who lives/works in the area (race/ethnicity, age, gender, language)
- Percentage of renters in an area
- Rates of overcrowding
- Housing burden - how many people are spending more than 30% of their income on housing?
- Area Median Income of neighborhood vs city/county

#### Neighborhood institutions, organizations, and leaders

Who do they represent/who are they not representing? Are there community stakeholders whose voices are not being represented by the groups you are reaching? What is your plan to bring their voices to the conversation?

### **FUND**

- Land acquisition and housing preservation
- Support other's land acquisitions or housing preservations with patient capital
- Housing Impact Assessments and other Data Collection Systems.
- Community Outreach & Education that includes tenant's rights, housing counseling, economic development, and employment opportunities and add specifically to guidelines

### **REQUIRE**

- Local and targeted hire
- Local procurement and vending
- No Net Loss/Relocation Assistance
- Community outreach includes information on tenants' rights, housing

### **PARTNER**

- Identify surplus land/affordable housing joint development opportunities
- Work with housing agencies and organizations to target community stabilization resources in areas at high risk
- Invite housing agencies and organizations to do a presentation at community meetings you are hosting

### **ESTABLISH**

- Cross agency land acquisition/housing preservation strategy
- Cross agency commission to coordinate collaboration
- Internal staff to support implementation within each agency
- Require implementation of community outreach as established in grant guidelines

### **ADVOCATE**

- Advocate for sister agencies to adopt similar policies
- Elected officials to adopt tenants’ rights, rent control, and other equitable development policies

## **A NOTE TO COMMUNITY SERVING ORGANIZATIONS**

### **BEST PRACTICES**

- Don’t ignore the issue or dismiss people’s concerns because they don’t align with your mission or are outside of your area of expertise
- Do prioritize hiring people with local community knowledge/expertise/relationships
- Advocate with your board to take public positions on these issues
- Advocate for public agencies to address issues proactively
- Include in your budget funding to partner with other organizations with local expertise and ask for recommendations
- Mandate local purchasing and local hire
- Propose joint development projects
- Partner with locals and organizations to develop culturally relevant programming and services

## **A NOTE TO OUTSIDE FUNDERS**

### **BEST PRACTICES**

- Fund community organizations embedded in the community and foster collaborative (as opposed to competitive) environments
- Allow grantees enough flexibility to explore ways to collaborate on community needs and strategic priorities
- Fund general operating for organizations to explore joint development work and other innovative partnerships
- Incentivize grantees to support local communities through local hire/local purchasing policies

### **PUBLIC + PRIVATE PARTNERSHIP**

- Fund innovative pilot projects and collaborations. Because public funding sources and public agencies have more funding restrictions and are slower to adopt new practices, philanthropic and private partnerships can provide seed funding to show proof of concept that will allow for larger scale adoption in the future
- Fund community-led evaluation processes that can help to identify best practices and identify the needed systems to expand pilot projects to “scale”

