

A top-down view of several people's hands stacked in a circle, symbolizing unity and community. The hands are of various skin tones and are wearing different colored sleeves (white, grey, blue, pink). The background is a soft, out-of-focus light color.

Community Benefits 101

Because everyone deserves a Fair Shake.

- **Client-centered legal representation** – regardless of income level for individuals and communities. Licensed in PA, OH, WVA.
- **Community Democracy** – providing support, coaching, resources, and assistance for Ohio River Valley communities to drive their environmental futures.
- **Legal services entrepreneurship** – educating young attorneys to serve environmental legal needs of underserved low- and middle-income clients.



Fair Shake[®]
Environmental Legal Services

Community Benefit Resources

- **Fair Shake’s Community Democracy River:** “choose your own adventure” website to find levers to move vision to action:
<https://www.fairshake-els.org/community-resources>
- **ReImagine Appalachia Community Benefits Resource Bank:**
<https://reimagineappalachia.org/community-benefits/>



DISCLAIMER

This presentation is designed for general informational purposes only.

The information contained in this presentation should not be construed to be legal advice or to signify the formation of a lawyer-client relationship.

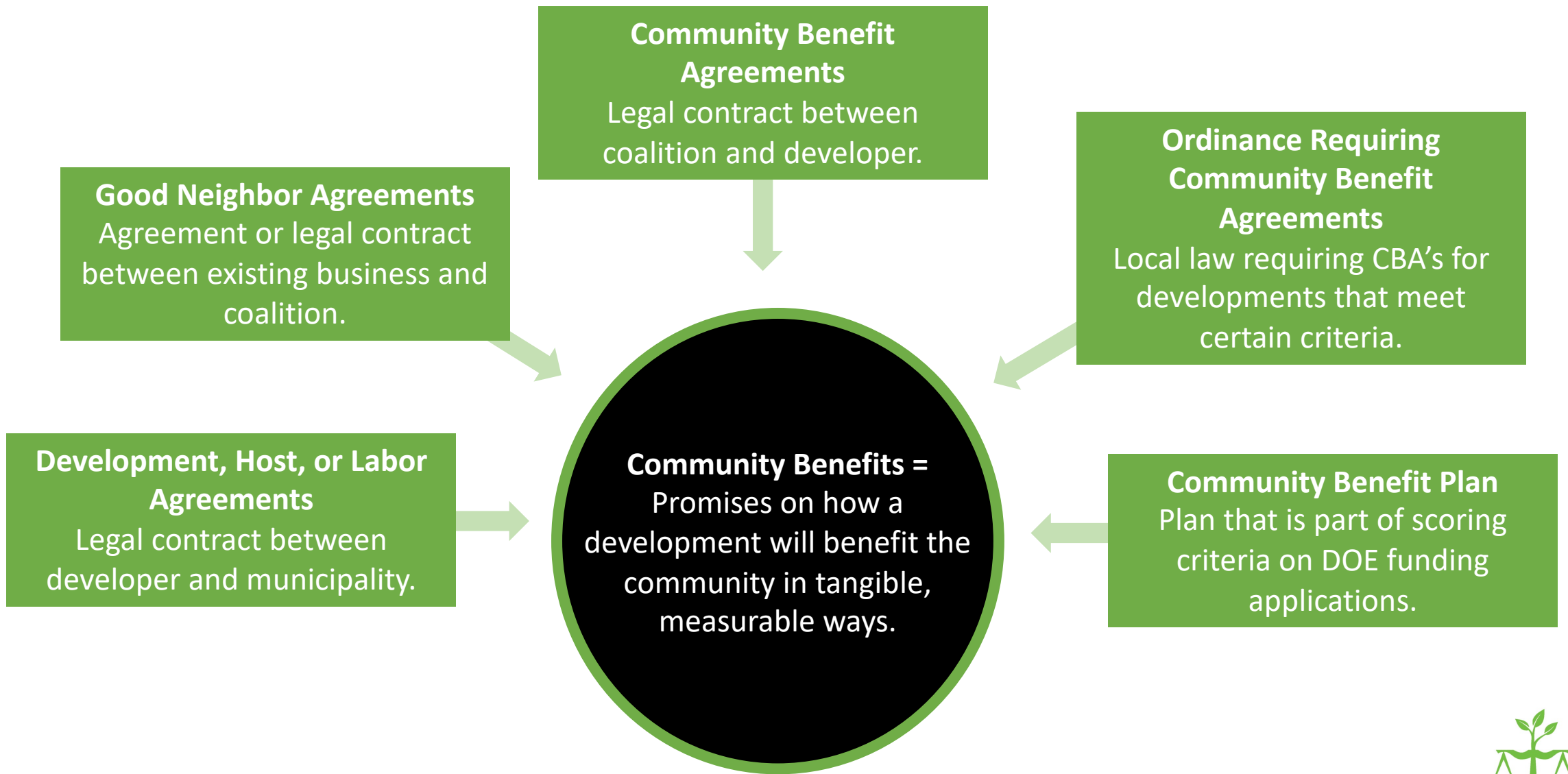


With magical powers, how would your community look, sound, smell, and feel?



What expectations do you have of all businesses that contribute to this vision?





Require an **Ongoing Process** of
Visioning; Coalition Building; Creating; Negotiating; Implementing; Following-Through.



Community Benefits Agreements (CBA)

- Outcome of a Community Benefit Process.
- Legally binding contract between a community coalition and a developer.
- Outlines benefits that a Developer will provide to the broader community in exchange for the community coalition's support.
- Not one-size-fits-all.

- Local hiring
- Living wage commitments
- Job training
- Right to organize commitments

Jobs & Labor



- Investment or commitments to affordable housing
- Commercial retail
- Local businesses prioritized
- Community-preferred retail, like: drugstores, laundromat, grocery store

Affordable Housing & Preferred Retail



- Open space
- Green spaces
- Access to river and waters
- Public art
- Lighting
- Noise
- Construction hours
- Traffic & parking

Quality of Life



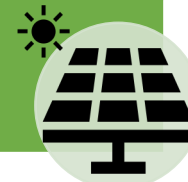
- Funding for community services
- Childcare center
- Health center
- Art center or school

Community Funding & Services



- LEED or environmental building certification
- Ongoing air monitoring
- Covering soil and trucks
- Renewable energy
- Flood or water mitigation

Environmental Benefits

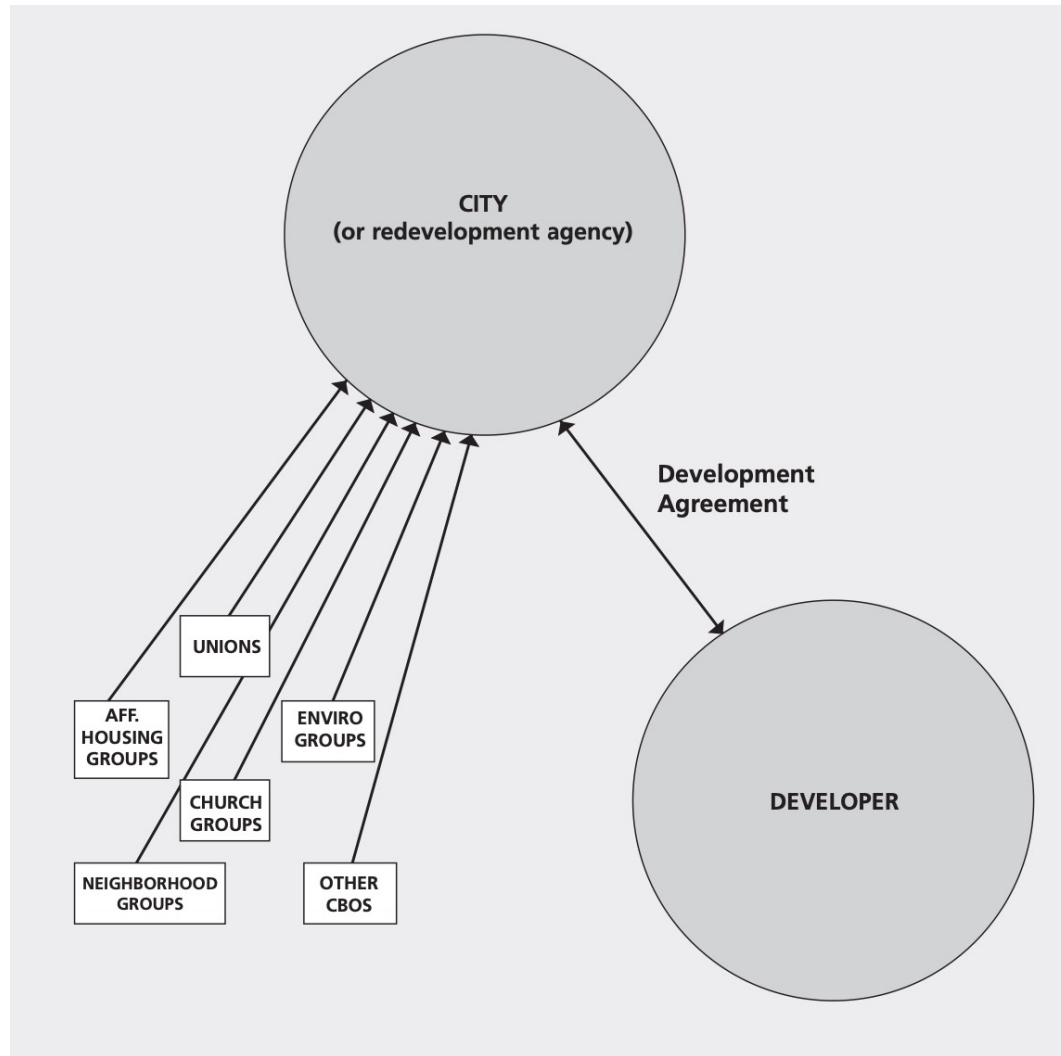


- Funding for coalition for ongoing monitoring and enforcement work
- Including youth
- Creating advisory councils
- Clear and measurable outputs
- Follow-up and accountability processes
- Clear and transparent decision-making processes

Inclusive Decision-Making



Without Community Benefit Process



With Community Benefit Process

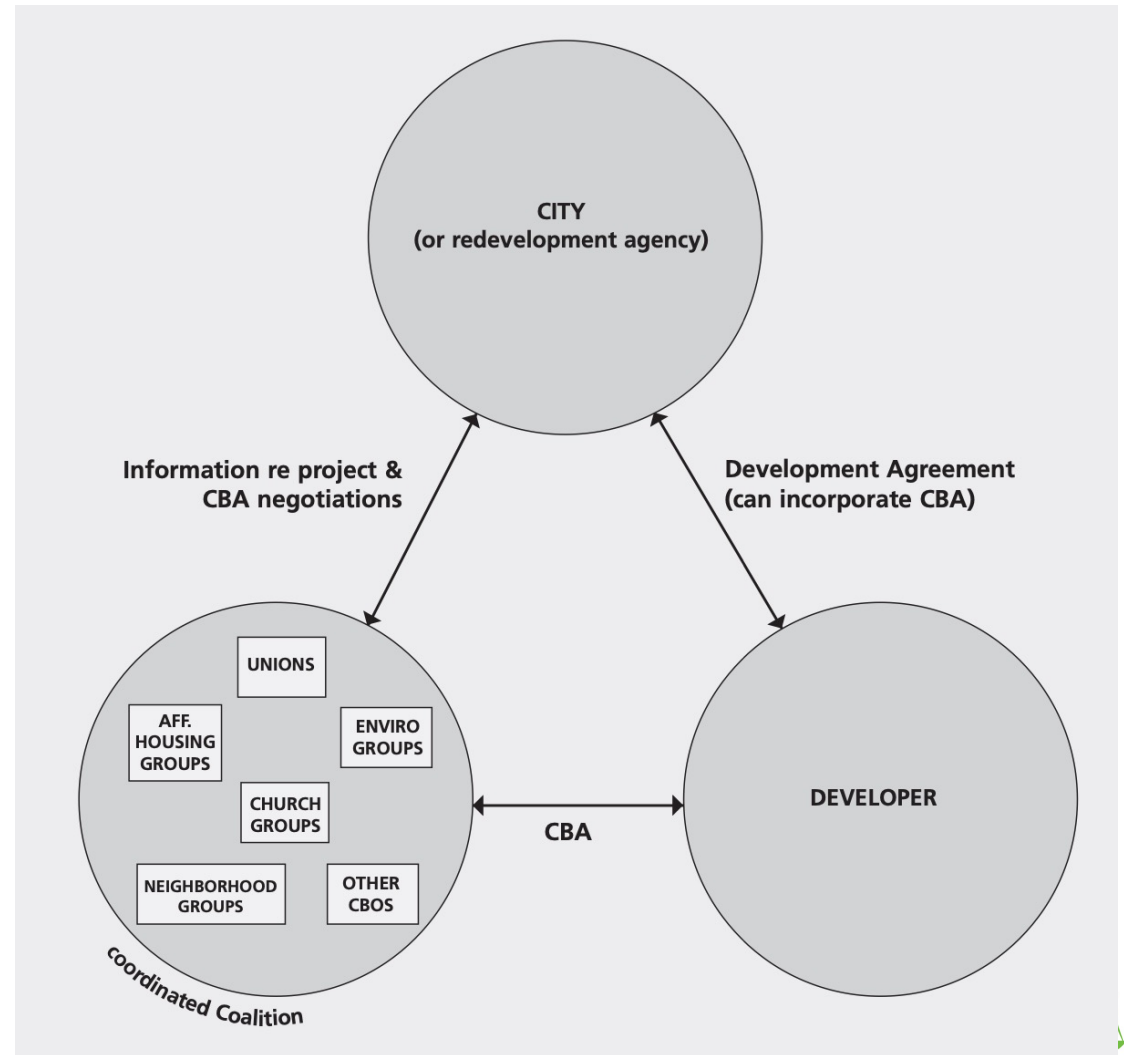


Image Credit: Community Benefit Agreements: Making Development Projects Accountable published by Good Jobs First.

<https://goodjobsfirst.org/wp-content/uploads/docs/pdf/cba2005final.pdf>

Who is Involved?

Community Coalition

- Build diverse coalition.
- Create a shared vision & prioritize goals.
- Represent community's interest.
- Negotiate & sign CBA.
- Ongoing implementation.
- Ongoing enforcement.

Developer

- Negotiate & sign CBA.
- Use CBA to get municipal approval or funding.
- Get community support.
- Efficiency – early negotiation = no delayed permitting or discussion.
- Clarity of outcomes.

Municipality

- Provide transparency around project.
- Help to open communication between community and developer.
- Encourage and/or require community support for project approval.
- Sometimes can take some responsibility for monitoring.
- Can include into Development Agreement and/or Ordinances to standardize as a process and be able to enforce.

When are Community Benefit Agreements Right?

✓ Coalition can support development **IF** certain conditions are met.

✓ Wide variety of development projects across different states and different types of towns.

- Retail/housing/office complex
- Brownfield re-development
- Sports complexes
- Airport modernization
- Wind turbine energy field

✓ Community has leverage.

- If municipality needs to approve development through public subsidies, sale of public property, zoning changes, other public managed investments, and/ or approval of the proposed project.
- If CBAs are required by municipal ordinances or funding opportunities.
- If developer needs community buy-in to proceed.

✓ Reactive vs. Proactive

- Reactive: community finds out about a development proposal (or current development) and mobilizes to create coalition and advocate a CBA in response to development.
- Proactive: community creates a shared vision and trusting coalition, advocate for municipal community benefits requirements, are alerted by leaders about potential new developments, and are 'ready' when new development proposals come.



Red Flags

Things to watch out for that can lead to weak CBAs.

- There is no real community participation.
- Weak coalition.
- Negotiations are secret and exclusive.
- Commitments are vague with no clear timeframes or measurements.
- No effective formal means of accountability.
- Developers persuading city leaders that they will drive away economic development.
- Projects already fully designed and then community is brought in to 'sign-off'.

Green Flags

Things to encourage that can lead to strong CBAs.

- Community interests are well-represented by diverse coalition members.
- CBA process is transparent, inclusive, and accessible.
- Concrete, meaningful benefits deliver what community needs.
- Clearly defined enforcement mechanisms ensure accountability.

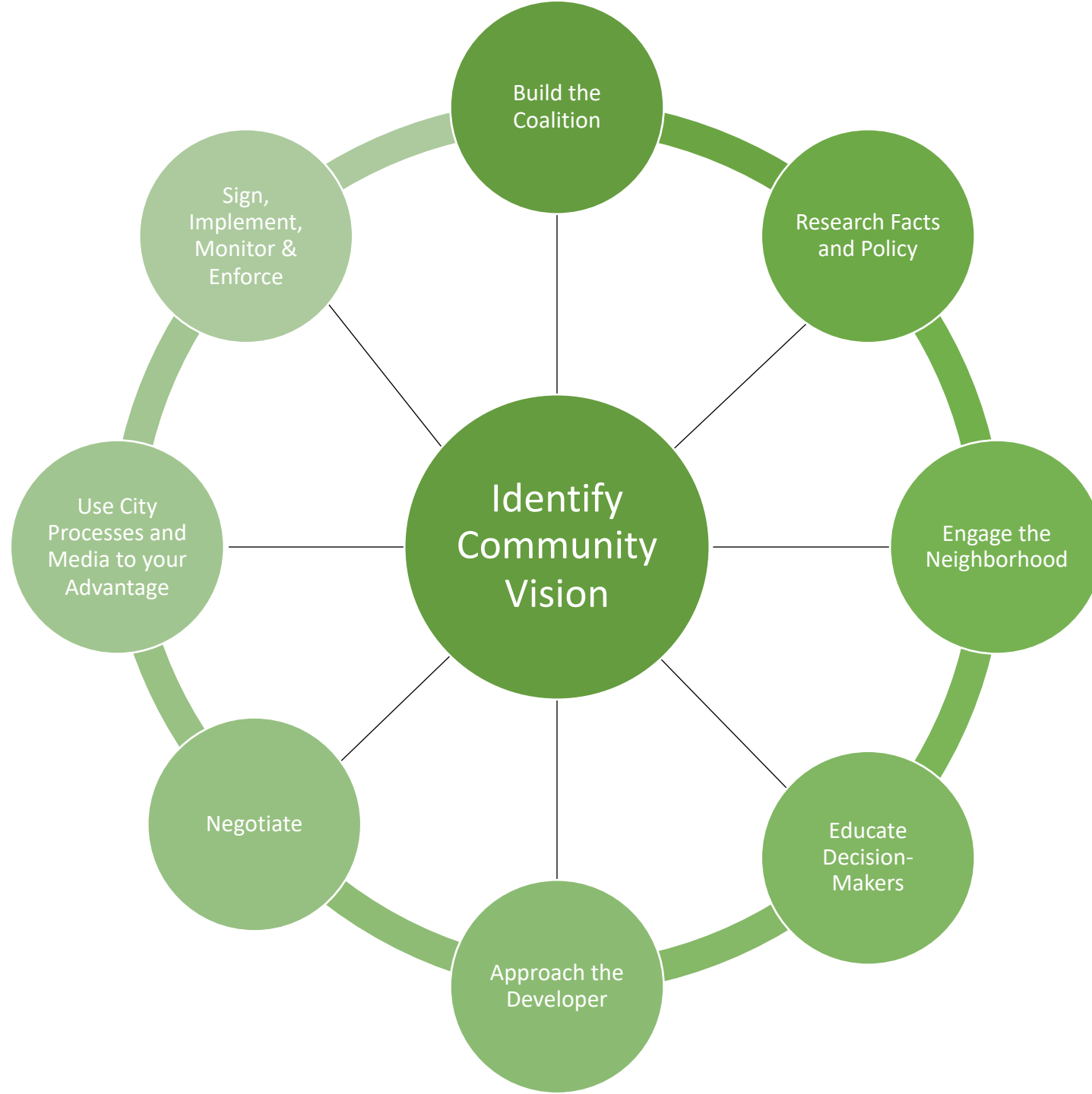
Four Principles of Successful CBAs: <https://citizensplanninginstitute.org/wp-content/uploads/2022/06/Effective-CBAs.pdf>



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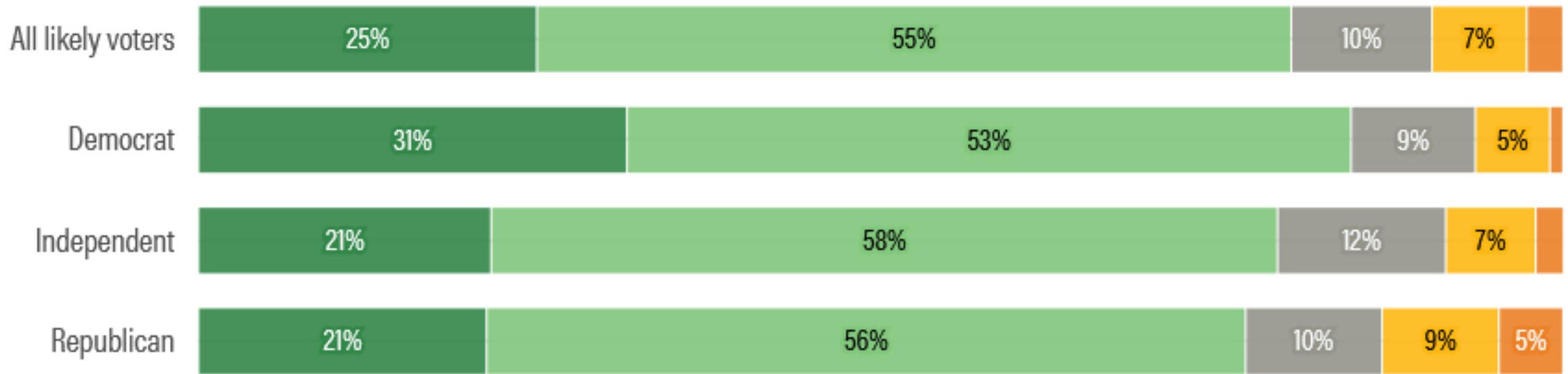
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How?



Over three-fourths of voters support the use of community benefit agreements on development projects

Strongly support Somewhat support Don't know Somewhat oppose Strongly oppose



Note: Based on a survey of 1,290 likely voters nationally from June 30-July 2, 2023. See [survey crosstabs](#) for full question text.

Source: Data for Progress.



** Source: <https://www.wri.org/insights/community-benefits-agreements-us-clean-energy>



Why Community Benefits?

- Requirements for development funding.
- Substantial and tangible benefits for community.
- Economic development.
- Clarity & concrete actions for the developer.
- Strong community coalitions.
- Level power imbalances between impacted community and developers.
- **What is your "Why?"**

History of Community Benefits

- Citizens have organized for equity and inclusion benefits in labor and development for decades.
- Organizing led to federal legislation that prohibits discrimination and promotes equal rights.
 - These efforts often fall short.
- LA Live CBA (early 2000s) first CBA.
- As of Sept. 2023 – over 350 CBA campaigns in over 100 cities.
- New opportunities + funding requirements for Appalachia.

