

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS

### Community Benefits Policies & Agreements – Good Neighbor Agreements

- Community benefits can include a range of levers that create a legal agreement for how a development or business will benefit the community in tangible and meaningful ways.
- Community benefits can include: Community Benefit Agreements, Development or Host Agreements, Good Neighbor Agreements, or Ordinances requiring Community Benefit Agreements.
- A Good Neighbor Agreement (GNA) is an agreement between a community (usually represented by a formal community group) and a company or industrial developer that has already been functioning in the community for some time.
- Good Neighbor Agreements can help ensure that developers are accountable for their impact on the community.
- While some GNAs are legally binding contracts, many are not.
- GNAs can be excellent stand-ins for strong environmental protection policies.



Require an **Ongoing Process** of

Visioning; Coalition Building; Creating; Negotiating; Implementing; Following-Through.

**River point:** Downriver – a decision has already been made and the developer has already begun operations in your community. GNAs are best implemented when there is some shift in the developer's regular operations, giving the community some extra leverage— perhaps the developers need to renew a permit, or maybe they have gained some regional or national attention or are in violation of some state or national environmental standards.

- Good Neighbor Agreements will be strongest if current activities also happen:
  - Authentic relationship building
  - Co-creating community vision
  - Engage your relationships + community
  - Monitor the health of your air + water + lived environment

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS

- Attend meetings + public hearings
- Develop strategic messaging
- Make verbal and written comments
- Request a public meeting
- Make your message and story heard
- Report environmental concerns to the appropriate agency

### Strengths & Skills that can pull lever:

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

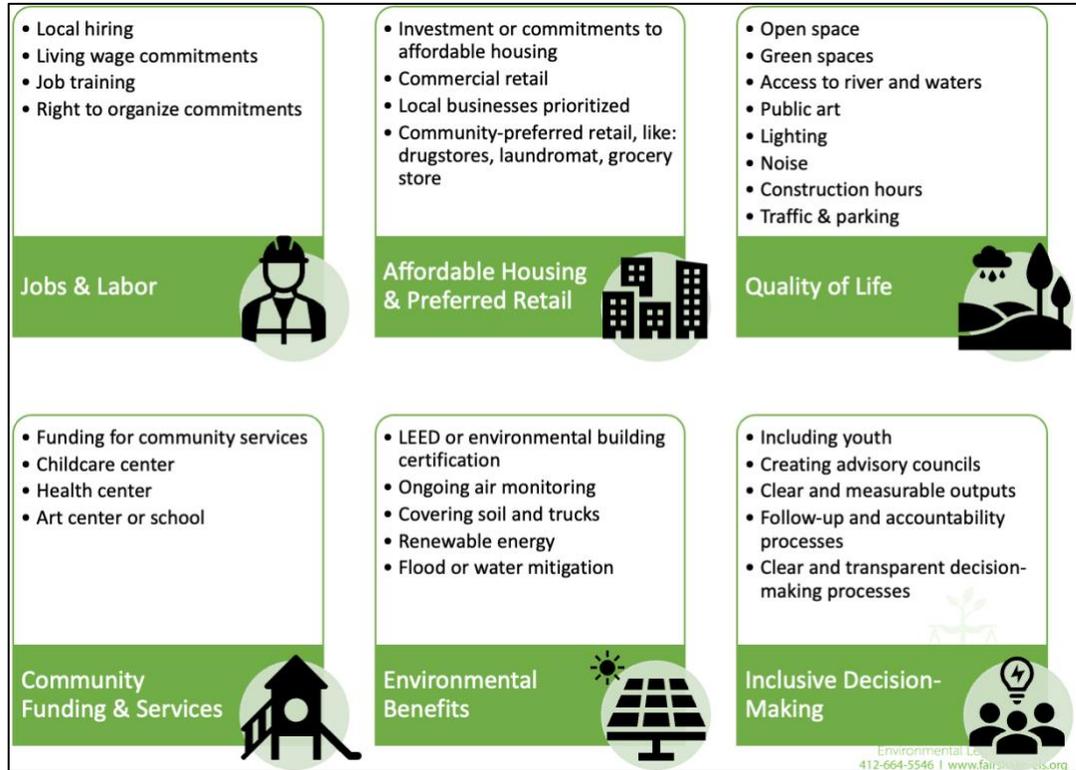
**Decision-Making Power:** Community coalition and local company

### Good Neighbor Agreement Examples

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

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

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



**Jobs & Labor**

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

**Affordable Housing & Preferred Retail**

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

**Quality of Life**

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

**Community Funding & Services**

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

**Environmental Benefits**

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

**Inclusive Decision-Making**

- Including youth
- Creating advisory councils
- Clear and measurable outputs
- Follow-up and accountability processes
- Clear and transparent decision-making processes

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

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

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS



	<ul style="list-style-type: none"><li>• Positive neighborhood environment.</li><li>• Food security</li><li>• Neighborhood safety.</li><li>• Ongoing community input &amp; participation.</li></ul>	
--	--	--

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS



### Example One: Good Neighbor Agreement

<p><b>The City of Boulder, Colorado AND Syntex Chemicals</b></p> <p>Residents of Boulder, Colorado were worried about toxic air pollution from the Boulder Syntex Chemicals facility. Community members formed a group to help advocate for themselves. <b>The main outcome of the GNA was an agreement that Syntex Chemicals would reduce air pollution and increase transparency.</b></p>	
<b>Practicality</b>	<p>The community group had about \$2,000/year from grants and member donations</p> <p>The negotiation for the GNA lasted about six months and cost about \$8,000 - \$10,000. Money was spent on hiring consultants and experts.</p> <p>Leverage point(s):</p> <ul style="list-style-type: none"> <li>• Syntex Chemicals were seeking approval to expand the plant in Boulder, giving the community a leverage point.</li> </ul> <p>The GNA had these terms and conditions:</p> <ul style="list-style-type: none"> <li>• The developer agreed to help reduce air emissions by installing a thermal oxidizer.</li> <li>• The developer agreed to create an emission reduction plan.</li> <li>• The developer agreed to have facility operations reviewed by a consultant to increase transparency.</li> </ul>
<b>Equitable</b>	<p>The community group spent time building community support by commenting at public hearings, meeting with city officials, and meeting with officials at Syntex Chemicals.</p> <p>None of the group members were paid, and some contributed to the groups funds with their own money.</p> <p>The GNA did not create any jobs or contribute to affordable housing or food security.</p> <p>A reduction in toxic air pollution can help improve the physical health of the community.</p>
<b>Resiliency</b>	<p>The GNA is designed to help to protect the air quality of the community by requiring the developer to reduce emissions by installing a thermal oxidizer.</p>
<b>Highlights</b>	<p>This GNA was originally proposed by the developer.</p>

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS



### Example Two: Good Neighbor Agreement

Community/Labor Refinery Tracking Committee AND Sun Oil	
<p>Sun Oil act was sued by the City of Philadelphia and a community group called Community/Labor Refinery Tracking Committee for violating the Clean Air Act. The GNA was part of the settlement conditions of that lawsuit. <b>The main outcome of the GNA was an agreement that Sun Oil would reduce its air pollution, and pay penalties for previous pollution.</b></p>	
<b>Practicality</b>	<p>The community group had an annual budget of about \$6000/year from grants and member donations.</p> <p>After the community group filed the lawsuit against Sun Oil, negotiation of settlement agreements took around 2.5 years, which included the GNA.</p> <p>The lawyers representing the community group were paid on a contingency basis, meaning they would not be paid unless they won or settled the lawsuit.</p> <p>Leverage point(s):</p> <ul style="list-style-type: none"> <li>• Lawsuit for violations.</li> </ul> <p>The GNA had these terms and conditions:</p> <ul style="list-style-type: none"> <li>• Reducing sulfur dioxide emissions.</li> <li>• Reducing smoke emissions.</li> <li>• Paying penalties for previous pollution, including giving \$200,000 for projects to help improve the environment of the neighboring communities.</li> <li>• Writing and releasing four reports per year on regular operations.</li> <li>• The GNA included procedures for how to handle disputes if the developer did not follow through on the agreement.</li> <li>• Sun Oil would pay penalties (amount not specified) if they failed to follow the terms of the GNA</li> </ul>
<b>Equitable</b>	<p>The community group built support for their GNA through contacting elected officials, sharing information about the nuisances that Sun Oil caused with media, and meeting with Sun Oil representatives.</p> <p>The community group eventually notified Sun Oil that they intended to sue over high sulfur dioxide emissions.</p> <p>None of the group members were paid, and some contributed to the group's funds with their own money, helping to pay for normal operations of the group.</p> <p>A reduction in toxic air pollution can help improve the physical health of the community.</p>
<b>Resiliency</b>	<p>The GNA is designed to help to protect the air quality of the community by requiring the developer to reduce emissions of sulfur dioxide and smoke.</p> <p>The GNA requires the developer to give money to help improve the community environment.</p>

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS



<b>Highlights</b>	This GNA is legally binding as a part of a settlement agreement. The GNA would still stand if the company was sold to another owner.
-------------------	--

### Example Three: Good Neighbor Agreement

<p><b>Ohio Citizen Action, Environmental Community Organization AND Rohm and Haas</b></p> <p>Two community nonprofits and chemical plant Rohm and Haas entered into an informal agreement after citizens living near the chemical plant raised concerns about air quality, noise pollution, and water pollution. <b>The main outcome of the GNA was an agreement that Rohm and Haas would reduce its air pollution and create an emergency notification program.</b></p>	
<b>Practicality</b>	<p>Ohio Citizen Action is a nonprofit with a budget of ~\$2 million per year from grants and donations.</p> <p>Environmental Community Organization is another nonprofit that represents communities on air pollution issues.</p> <p>The GNA cost the nonprofits about \$9,000 to negotiate, with Ohio Citizen Action paying the majority of that cost.</p> <p>Rohm and Haas paid to hire a facilitator and will spend money on implementing the GNA.</p> <p>Leverage point(s):</p> <ul style="list-style-type: none"> <li>• The community applied pressure to Rohm and Haas by writing letters to the plant manager and CEO</li> <li>• The citizens reviewed company documents to create an 'audit' showing the extent of the air pollution from the chemical plant.</li> </ul> <p>The GNA had these terms and conditions:</p> <ul style="list-style-type: none"> <li>• Reduce air pollution.</li> <li>• Reduce bad odor.</li> <li>• Stop trucks from idling with the engine running before 7am.</li> <li>• Create a plan for emergency response.</li> <li>• Notify citizens of plant emergencies.</li> </ul>
<b>Equitable</b>	<p>The nonprofit organizations built community support through letter writing, door-to-door canvassing, and creating a public report on the air pollution produced by the company.</p> <p>The GNA did not create any jobs or contribute to affordable housing or food security.</p> <p>A reduction in air pollution can help improve the physical health of the community.</p>
<b>Resiliency</b>	This GNA is designed to help to reduce the foul odor and toxic air pollution from the chemical plant.
<b>Highlights</b>	This GNA is not legally binding.

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS



### Example Four: Good Neighbor Agreement

<p><b>West County Toxics Coalition, CBE, People Do! AND Chevron Refinery</b></p> <p>The Chevron Refinery was in violation of the Clean Air Act, which gave the community group leverage to negotiate a GNA. <b>The main outcome of the GNA was an agreement that Chevron Refinery would reduce air pollution and give money to local nonprofits and a community health center.</b></p>	
<b>Practicality</b>	<p>The community group was helped by a nonprofit called Citizens for a Better Environment to understand technical data and negotiate the GNA.</p> <p>The process of negotiation took around 2.5 years. The total cost of negotiation is unknown.</p> <p>Leverage point(s):</p> <ul style="list-style-type: none"> <li>• Violations of approved permits.</li> </ul> <p>The GNA had these terms and conditions:</p> <ul style="list-style-type: none"> <li>• Reduce air pollution.</li> <li>• Give \$5 million to nonprofits operating in the community.</li> <li>• Implement first source hiring.</li> <li>• Provide job training to 100 community members.</li> <li>• Give \$2 million to a health center in the community.</li> <li>• Install sirens for emergencies.</li> </ul>
<b>Equitable</b>	<p>The community group built support through commenting at public hearings, writing to elected officials and company representatives, and threatening to sue over air pollution.</p> <p>The GNA helped to create some jobs for local workers and provide job training.</p> <p>The GNA did not contribute to affordable housing or food security.</p> <p>A reduction in toxic air pollution can help improve the physical health of the community.</p>
<b>Resiliency</b>	<p>The GNA is designed to help reduce air pollution from the refinery.</p> <p>The GNA requires the developer to give money to a local health center and some locally operated nonprofits.</p>
<b>Highlights</b>	<p>This GNA included some economic investments as well as environmental protections.</p>

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS



### Example Five: Good Neighbor Agreement

<p><b>Western Slope Environmental Resource Council AND Bowie Resources</b></p> <p>A community group was concerned about noise and water pollution, and high traffic from increased coal production. The GNA is designed to address these issues. <b>The main outcome of the GNA was an agreement that Bowie Resources would reduce truck traffic and noise pollution.</b></p>	
<b>Practicality</b>	<p>The community group partnered with a nonprofit called Western Slope Environmental Resource Council, which has a budget of around \$100,000/year from grants and donations.</p> <p>The process of negotiation took around 5 months and the nonprofit estimates that it spent around \$15,000 on the negotiation process.</p> <p>Leverage point(s):</p> <ul style="list-style-type: none"> <li>The company needed a federal coal lease.</li> </ul> <p>The GNA had these terms and conditions:</p> <ul style="list-style-type: none"> <li>Reduce truck traffic by building a conveyer from the mine to the train.</li> <li>Agree on baseline noise levels and not go above that level. Pay a penalty if noise baseline is exceeded.</li> <li>Commit to reclamation work after mining was complete, including disassembling any small buildings and replanting grass seed.</li> </ul>
<b>Equitable</b>	<p>The community group built support and leverage by appealing the company's new federal coal lease.</p> <p>The GNA did not create any jobs or contribute to affordable housing or food security.</p> <p>A reduction in noise pollution can help improve the mental health of the community.</p>
<b>Resiliency</b>	<p>The GNA is designed to address noise pollution and air pollution by reducing truck traffic.</p>
<b>Highlights</b>	<p>This GNA used a lease as leverage for negotiations.</p>

### Common Elements of Good Neighbor Agreements

**Prerequisites to Using the GNA Approach Successfully:** (from “Evaluating the Use of Good Neighbor Agreements for Environmental and Community Protection, Final Report”, pages 17-19, Written by: Kenney, D., Stohs, M., Chavez, J., Fitzgerald, A., and Erickson, T. (2004).

#### Stage 1: Forcing the Company to Negotiate

Sources of Leverage	<ul style="list-style-type: none"> <li>• Company needs a permit or similar public approval</li> <li>• Company is vulnerable to a lawsuit (particularly related to environmental law compliance)</li> <li>• Company requires/desires good public relations (or must avoid bad publicity) in order to maintain or expand profitability</li> <li>• A change in company personnel/ownership creates an opportunity for a new relationship</li> </ul>
Resources/Strategies	<ul style="list-style-type: none"> <li>• Litigation and/or permit challenges</li> <li>• Publicity, media relations, and activist strategies (e.g., letter writing, editorials, demonstrations)</li> <li>• Leadership; willingness of leaders (on both sides) to “try something new”</li> <li>• Knowledge of the company’s needs/desires</li> <li>• Environmental data (e.g., monitoring results)</li> </ul>
Other Advice / Observations	<ul style="list-style-type: none"> <li>• Have a very clear idea of what you want before entering a negotiation; have a “bottom line” established</li> <li>• Articulate the possibility of a win-win solution</li> <li>• Pick your fights carefully and be prepared to deliver on threats</li> <li>• Begin research on the company and its manufacturing processes; consult outside experts if needed</li> <li>• Beware being coopted or diverted through a company-controlled Citizens Advisory Council</li> </ul>

#### Stage 2: GNA Negotiation and Design

Sources of Leverage	<ul style="list-style-type: none"> <li>• Must have something valuable to offer (e.g., drop a permit challenge or lawsuit; end bad publicity; assist in permit approval and generating good publicity)</li> <li>• Must have demands/requests that the company can theoretically meet</li> </ul>
Resources/Strategies	<ul style="list-style-type: none"> <li>• Negotiation skills/training; coherent negotiating strategy</li> <li>• Adequate understanding of technical issues (e.g., science, law); must have appropriate data (e.g., monitoring data, company profile)</li> <li>• Must have a strategy for structuring an agreement that facilitates implementation and real problem-solving (e.g., the agreement must provide leverage/resources for implementation)</li> </ul>
Other Advice / Observations	<p>During GNA Negotiations:</p> <ul style="list-style-type: none"> <li>• Select negotiators carefully</li> <li>• Transcribe negotiations</li> </ul>

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS

	<ul style="list-style-type: none"> <li>Establish and enforce negotiation deadlines; understand that many companies' strategies are designed to wear down communities (e.g., delays during negotiation, providing too much information, agreeing to things they plan to later fight during implementation, etc.)</li> <li>Maintain community organization and activism throughout the process; maintain a unified front; guard against cooptation</li> <li>Cultivate and maintain an image of reasonableness, credibility, and professionalism</li> </ul> <p>In the GNA Document:</p> <ul style="list-style-type: none"> <li>Anticipate the implementation demands of all concessions: to the extent possible front-load the agreement by getting provisions that don't require ongoing monitoring or enforcement; schedule company concessions to come before community group concessions</li> <li>Strive to make agreements legally binding; consider having agreements embedded in federal court consent decrees or in permit conditions</li> <li>Establish a process to deal with future, unanticipated issues (e.g., the sale or bankruptcy of the company); assume that the company will eventually try to walk away from the agreement</li> </ul>
<b>Stage 3: Implementation of the Agreement</b>	
Sources of Leverage	<ul style="list-style-type: none"> <li>Best leverage is a strategically designed agreement (e.g., self-executing; timing of concessions is equal or frontloaded in the community group's favor; legally binding, readily enforceable and transferable)</li> <li>Demonstrate a commitment to monitoring, oversight, and follow-through; maintain contact with company and the public regarding GNA compliance; be vigilant</li> <li>Publicize and celebrate achievements</li> </ul>
Resources/Strategies	<ul style="list-style-type: none"> <li>Budget sufficient funding, staff, and expertise to allow ongoing monitoring and oversight; maintain public and community group commitment/interest past GNA negotiation (when initial enthusiasm fades)</li> <li>If necessary, consider relying upon an outside agency to oversee or assist in implementation (e.g., a state agency that adopted the GNA in a permit)</li> </ul>
Other Advice / Observations	<ul style="list-style-type: none"> <li>Have the company finance some of the community group's implementation costs</li> <li>Be prepared to endure a long, labor intensive process</li> <li>Constantly encourage new leaders</li> </ul>

**A Group to Oversee GNA:**

Typically, a community group is the initiator of GNA negotiations. In several of the case studies examined here, separate nonprofit organizations helped with the creation and negotiations of the GNA.

**Inclusion of Community Members:**

This resource is part of Fair Shake Environmental Legal Service's Community Democracy River. For more information and additional resources, tools, and levers, visit: <https://www.fairshake-els.org/community-organizing-resources>.

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS

In most cases, the negotiation of a GNA is driven by community members. Many of the case studies discussed here used public comments at local government meetings and canvassing to build community support for the GNA.

### **Youth Involvement Opportunities:**

There are no express youth involvement opportunities in negotiating a GNA, but communities could use the GNA process to include youth input, as well as teach civic engagement and negotiation strategies to youth.

### **Improving Environmental Conditions:**

Many GNAs include environmental considerations, like reductions in air pollution or greenhouse gas emissions. GNAs are good tools to leverage community desire to improve their environment.

### **Creating Programs:**

One GNA discussed here (West County Toxics Coalition, CBE, People Do! AND Chevron Refinery) included job training and first source hiring programs in addition to environmental considerations. These programs may be helpful for improving the economy of the area as well as the environment.

### **Additional Considerations:**

There are several questions to ask when negotiating a GNA:

- What are the main issues the GNA should address?
- What levers should the community pull to negotiate the GNA?
- What leverage does the community have (e.g. the industry needs new permits, the industry is not in compliance with local, state, or federal standards, etc.)
- Will this be a legally binding contract?
- What are the consequences if the developer/industry does not follow through on commitments?
- What happens if the company is sold to a new owner? Does the GNA transfer?
- How much time/effort is required from community members to track the progress of the GNA after it is negotiated?
- What are the costs of hiring experts and consultants to help negotiate the GNA?
- What does the community give up in order to achieve the GNA (e.g. the ability and right to criticize the industry in the future, ability to negotiate additional requirements)?

### **The Role of the Municipality:**

The municipality may have a role in the negotiations, but it is not always included. The role of the municipality depends on the conditions of the community.

# Community Democracy River

## COMMUNITY BENEFITS: GOOD NEIGHBOR AGREEMENTS

### References and Resources:

- 11th Street Bridge Park's Equitable Development Plan: [https://bbardc.org/wp-content/uploads/2018/10/Equitable-Development-Plan\\_09.04.18.pdf](https://bbardc.org/wp-content/uploads/2018/10/Equitable-Development-Plan_09.04.18.pdf)
- Cleveland Heights, Ohio Municipal Code, Part 11, Chapter 1153, § 1153.05 (ee)
- Greening Without Gentrification: <https://www.nrpa.org/parks-recreation-magazine/2019/december/greening-without-gentrification/>
- Hartford, Connecticut Municipal Code, Chapter 17, Article 3, § 3.3.3
- How to Start a Community Garden: Getting People Involved: [https://secure.caes.uga.edu/extension/publications/files/pdf/B%201399\\_2.PDF](https://secure.caes.uga.edu/extension/publications/files/pdf/B%201399_2.PDF)
- Lower Makefield, Pennsylvania Municipal Code, Article 11, § 178-80 - § 178-87
- Parkersburg, West Virginia Municipal Code, Chapter 8, Article 165, Ord. 0-88
- Pittsburgh Municipal Code: [https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=CIPIPECOOR](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=CIPIPECOOR)
- Pittsburgh Tree Information: <https://www.treepittsburgh.org/resource/trees-municipal-code/>
- Pittsburgh, Pennsylvania Municipal Code Chapters 483, 485, and 918
- Ramsey County Park Ordinance Project: <https://www.ramseycounty.us/residents/parks-recreation/21st-century-parks-initiative/park-ordinance-project>
- Suttie, J. (2018) Why Your Community Needs More Green Space: [https://greatergood.berkeley.edu/article/item/why\\_your\\_community\\_needs\\_more\\_green\\_space](https://greatergood.berkeley.edu/article/item/why_your_community_needs_more_green_space)
- The Roots of Sustainability: 5 reasons why cities need trees: <https://www.weforum.org/agenda/2022/06/cities-urban-trees-climate-change/#:~:text=In%20addition%20to%20air%20pollution,cover%20possess%20better%20health%20immunity.>
- The True Costs of Starting a Community Garden: <https://ecogreenlove.com/2017/06/02/costs-commgarden/>

### Funding and Grant Opportunities for Community Gardens:

- Public Garden Funding Resources: <https://www.publicgardens.org/public-garden-funding-resources>
- Community Garden Grant: <https://www.foodwellalliance.org/garden-grants>
- Garden Grants for Schools, Communities, and Nonprofits: <https://growingspaces.com/gardening-grants/>
- Garden Grants: <https://butterflywebsite.com/articles/gardening-grants.cfm>
- Plant America Community Project Grants: <https://gardenclub.org/plant-america-community-project-grants>