

A FRAMEWORK FOR IMPLEMENTING
Legislative Equity Analysis
IN THE CALIFORNIA STATE LEGISLATURE

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EXECUTIVE SUMMARY

Overview

Catalyzed by how the COVID-19 pandemic laid bare the structural inequalities at the root of stark racial and other social disparities in health outcomes, California H.R. 39 (2021) sought to “*reduc[e] the unintended negative consequences of bills and [prevent] health and economic disparities*” in policymaking by exploring methods to integrate equity considerations more formally into the state legislature’s daily activities. More specifically, H.R. 39 aims “*to continue the Assembly’s commitment to investing in equity solutions and maximizing benefits for underserved and marginalized communities*” by authorizing the exploration of adopting equity impact analysis into the existing committee hearing and floor action process – the public-facing portion of the legislative process during which legislators seriously consider proposed legislation.

Through a review of literature about equity in policymaking and existing legislative equity analysis models and **interviews with 10 local and state government staff** implementing and/or supporting legislative equity impact assessments, this paper aims to provide information that will help evaluate the potential of, and potentially guide, the development of an equity analysis framework for state legislatures. In total, 14 state, county, and local governments have developed and implemented legislative equity analysis models that are included for analysis in this paper.

History of Legislative Equity Impact Assessments in the U.S.

In 2008, Iowa introduced the first legislation mandating legislative equity impact analysis in the U.S. – being motivated to do so after a 2007 Sentencing Project report ranked the state as having the nation’s most racially disproportionate incarceration outcomes. Since then, nine states – Iowa, Connecticut, Oregon, New Jersey, Colorado, Illinois, Virginia, Maryland, and Minnesota – have enacted legislation to introduce some form of legislative equity analysis, while 28 other states have proposed but failed to pass similar legislation.

The majority of states that have passed legislation have done so within the last five years, with the most recent wave of legislation – four in 2021 – having been strongly informed by the dramatic shift in the political landscape catalyzed simultaneously by George Floyd’s death and the COVID-19 pandemic. Of the states with enacted legislation, most focus exclusively on legislation affecting their criminal legal systems. Only three states – Colorado, Illinois, and Maine – extend eligibility to other policy areas.

Local governments at the county and city level have also enacted policies to support the integration of equity analysis in local policy and/or budget making – most notably Washington, D.C., Montgomery County, Maryland, and Washington, King County – with local government models typically extending to all policy areas.

Features of Equity Impact Assessment Models

The key features of equity impact assessment models fall within two categories: (1) **configuration and resourcing** of the models and (2) the **equity analysis methods** they use.

1. Configuration & Resourcing

Limiting Features

Of the nine state models, most states delegate the determination of whether a bill should be assessed to legislators – sometimes only permitting legislators in certain senior roles to make requests (a “request” mechanism). Only three states have established a mandatory “trigger” mechanism for legislation meeting certain criteria (e.g., for Iowa, New Jersey, and Minnesota, any bill that could potentially impact incarcerated population levels). However, the models with **“request” mechanisms have produced the fewest equity assessments**.

Access to quality **disaggregated data** that allow analysts to draw sound conclusions about baseline outcomes of interest is essential to the task of conducting equity analyses – even though access to such data is typically limited and remains a universal challenge across all legislative equity impact assessment models.

Few states publish or otherwise make their equity impact reports **publicly accessible**, let alone provide constituents opportunity to engage in the review process, and all equity impact assessments are limited to being **informative** documents. Statements are meant to inform legislative decision making though most models do not require legislators to amend or reject proposed legislation that impact analyses suggest could result in or contribute to existing social inequities. However, legislative equity impact assessments are not likely to have a meaningful impact on equity outcomes since legislators are not required to seriously consider and respond to assessment conclusions in their decision making.

Supportive Features

Governments either assign the task of producing equity impact assessments to internal staff – usually from nonpartisan legislative research offices, commissions developing policy for state criminal legal systems, or the state agencies that will be impacted by proposed legislation – or hire new staff whose primary responsibility is to produce equity impact assessments (e.g., Colorado, Maryland, Montgomery County, and D.C.). However, only the jurisdictions that have **hired dedicated staff to complete assessments** produce the largest quantity and most detailed assessments.

Similarly, the models that produced the most detailed and rigorous assessments also used key **equity analysis methods** – see **2. Equity Analysis Methods** below for further explanation.

Timeline & Function of Legislative Equity Impact Assessments

Most states either do not specify or are unclear about when equity impact assessments should be requested/initiated. The few states specifying a timeframe stipulate that assessments be prepared when a bill has been voted out of committee and is being put forward to a full vote on the floor – i.e., when the legislature is seriously considering a bill. Moreover, based on feedback from staff producing equity assessments for their governments, producing a credible equity impact assessment can **add two to 20 days** to the existing workload for a given piece of proposed legislation, depending on its complexity.

Equity impact assessments tend to either serve as (1) a standalone process that results in an independent report that will be considered alongside other materials like a fiscal report or bill analysis (e.g., Colorado, Maryland, Minnesota, Montgomery County, and D.C.) or (2) a complementary assessment included as a subsection within a larger fiscal report or bill analysis (e.g., Iowa). Montgomery County is the only jurisdiction that is authorized to recommend amendments based on their assessment findings. No models incorporate any formal guidance about how legislators should weigh the findings among other considerations.

2. Equity Analysis Methods

Equity impact assessments require the appropriate methods to assess equity impacts. Within the policy context, there are three areas where “equity” can be considered in equity analyses:

- **Equity in opportunities:** whether a person’s access to resources and meaningful opportunities to develop to their fullest potential is determined by their membership in a particular demographic group.
- **Equity in processes:** whether a person’s opportunities to participate meaningfully in the design, implementation, and evaluation of a policy is determined by their membership in a particular demographic group (a subcategory of equity in opportunities).
- **Equity in outcomes:** whether a person’s outcomes can be predicted by their membership within one or more demographic groups, at the individual level, whether the distribution of outcomes – from best to worst – for individuals within demographic groups is comparable across demographic groups at the societal level.

Equity analysis in policymaking is a process that evaluates the extent to which proposed policies have the potential to exacerbate – or enacted policies have exacerbated – inequities in **opportunities** and/or **outcomes**. Performing equity analysis requires an understanding of the current outcome trends across demographic groups and whether they indicate any disparities. It also requires understanding how proposed legislation could potentially impact current outcome trends, based on knowledge of the factors that led to current outcome trends and an understanding of how proposed legislation potentially either replicates and/or changes those factors.

Consequently, **equity analysis** requires two key elements: (1) **an accurate assessment of baseline outcome trends for different demographic groups** for policy issues and communities that are affected by proposed legislation and (2) **informed reasoning about how those baseline conditions came to be (root cause analysis)** – without which there is little basis for understanding how baselines could be impacted by proposed legislation.

Based on the perspectives of most of the interviewees, equity analysis requires key skills that are neither emphasized nor taught in traditional legislative analysis and therefore may not be common among existing legislative staff. Equity analysis and legislative analysis are distinct types of assessments that have different objectives and produce different information. Legislative bill analysis focuses on defining the issues, explaining how proposed legislation relates to the existing framework of laws and policies, and identifying how proposed legislation will affect both the issues and the existing framework of laws and policies – all of which require some combination of legal and policy research and data analysis. But **while data analysis and legal and policy research can support equity analysis, neither alone constitutes equity analysis. Equity analysis requires an additional skill set – equity lens thinking.**

Equity lens thinking describes an approach to researching and analyzing information that contextualizes observed outcome trends by identifying their **root causes**, and helps analysts better understand both what data is relevant to assess equity issues and how to use their understanding of root causes to contextualize their data analysis. This process involves using knowledge about how past policies and practices have affected the equity of present outcomes to draw informed conclusions about how proposed decisions could affect the equity of future outcomes. Various government staff emphasized that equity lens thinking was the primary skill that they used in their work.

In an effort to ensure that equity analyses remain or at least appear unbiased, some government equity impact assessment models aim to rely exclusively on data analysis without providing context as to what may be causing the outcome trends reflected in the data (e.g., Iowa and Minnesota). However, as some government staff have stated, **data analysis alone does not constitute equity analysis**, and, moreover, **data analysis without context can perpetuate inaccurate narratives about marginalized communities that reinforce inequitable health outcomes** – e.g., that certain racial and ethnic communities are historically and biologically predisposed to worse outcomes, while obscuring past institutional decision and policy making that have contributed to those outcomes.

Though it is a key equity element in equity analysis, root cause analysis does not seem to be common in government equity impact assessment models. Of the government models that published their equity assessments (five of the 14 models analyzed), only some incorporated both elements of equity analysis in their assessments. The government models that produced detailed equity assessments that included both key elements of equity analysis included **D.C., Montgomery County, and Maryland**. Most (primarily state) governments with legislative equity impact assessment models did not publish or make their equity assessments easy to find. However, the models that made their assessments **publicly accessible** also produced **detailed equity assessments**.

Proposed Legislative Equity Impact Framework

The findings from this research indicate that there is a **tension between what H.R. 39 sets out to accomplish versus what it will likely be able to achieve based on the resources it prescribes** for implementing legislative equity impact assessment. The following framework identifies model features that would be essential to close the gaps in resources and

methods for a legislative equity impact assessment model. They were developed using: (1) a review of the academic and gray literature, (2) interviews with government staff supporting and/or producing legislative equity impact assessments, and (3) an analysis of equity analysis methods in the toolkits that have been developed to facilitate equity analysis in government work. The framework is divided into two distinct but key components of a legislative equity impact assessment model:

1. **Structure & Resourcing:** The following features describe who should produce equity impact assessments and when they should be produced, and what resourcing is necessary to establish and maintain a functional legislative equity impact assessment model.
 - a. **When to Initiate Assessments and Who Produces Them**
 - b. **Criteria-Based Eligibility Screening**
 - c. **Adequate Resourcing**
 - d. **Stepped Rollout of Model Implementation**
 - e. **Disaggregated Data Collection**
 - f. **Transparency and Accountability.**
2. **Equity Analysis Methods:** Beyond adequate resourcing, legislative equity assessment models need to use methods that actually evaluate for the equity impacts of proposed legislation. If all the other features were implemented with the exception of this last feature, the resulting model would still likely not produce statements that meaningfully evaluate the equity impact of proposed legislation. See the attached California **Legislative Equity Impact Assessment Template and Guide** for more information.

Like other impact assessment processes (e.g., fiscal analyses and environmental impact assessments), equity impact assessments are by nature meant to be, as one interviewee described, “a *disruptive process*” that slows down legislative decision making so that there is enough time to effectively consider the equity impacts of decisions. Opposition to equity work does not always manifest in overt ways, such as directly questioning the legitimacy or value of implementing equity assessments in government work. Opposition can be just as, if not more, effective when it takes the form of not providing adequate budgets, staff, and time to implement equity analysis work or dismissing equity assessment as a secondary matter that is not directly implicated in routine government decision making.

California has a national and global reputation for spearheading progressive policy innovations – yet it is already almost two decades behind the first state to establish a formal equity impact assessment model. To establish a functional legislative equity impact assessment model, it needs to consider (1) providing adequate resourcing to develop and maintain a legislative equity impact assessment model and (2) ensuring that the model utilizes methods that meet the bare minimum of what constitutes equity analysis.

INTRODUCTION

Overview of the Research

California House Resolution 39 (H.R. 39) was introduced by Assemblymember Mike Gipson (D-65) in April 2021 and adopted by the state legislature in July 2021.¹ Catalyzed by how the COVID-19 pandemic laid bare the structural inequalities at the root of stark racial and other social disparities in health outcomes, H.R. 39 seeks to prevent unintended negative consequences of policymaking by exploring methods to integrate equity considerations more formally into the state legislature’s daily activities.

While in practice legislators evaluate the cost and benefits of proposed legislation throughout the duration of the legislative process – including when and even before legislation is formally introduced – committee hearings and floor actions represent the public-facing portion of the legislative process during which legislators consider proposed legislation. As stated in the bill language, H.R. 39 aims “to continue the Assembly’s commitment to investing in equity solutions and maximizing benefits for underserved and marginalized communities” by authorizing the exploration of potentially adopting equity impact analysis into the existing committee and floor bill analysis processes.

This paper aims to provide information that will help evaluate the potential of, and potentially guide, those efforts and is structured as follows:

- **Part I** includes an overview of “equity” in the context of policymaking, a brief history of legislative equity analysis in the U.S., and an overview of current legislative equity impact assessment models. It also provides an overview of essential elements of “equity analysis,” an overview of equity analysis methods in the toolkits developed to facilitate equity impact analysis in government work, and an assessment of the quality of the equity analysis methods used in current legislative equity assessment models. Finally, it includes a proposed framework of the necessary features of a functional legislative equity impact assessment model for the California State Legislature.
- **Part II** includes an equity analysis template to guide analysts through the process of conducting equity analysis for legislation (a separate attached document).

Important Context for the Forthcoming Discussion

It is important to acknowledge that there is a spectrum of beliefs about the role that equity considerations should play in legislative decision making because these beliefs inform preferences about the appropriate way to incorporate equity considerations into the overall legislative process. Some decision-makers believe that equity considerations are already adequately incorporated into existing legislative decision making processes, while others believe that it merits independent though secondary consideration alongside other priorities. Meanwhile, others believe that equity is the primary priority around which all other considerations should be organized.

Secondly, it is also important to acknowledge the differences in how the concept of “achieving health equity” – and equity more generally – is understood by the spectrum of individuals who are involved in policymaking – including decision-makers, researchers and analysts, and advocates – because these assumptions impact how the benchmarks for whether equity is impacted by proposed legislation are defined. Health equity work describes a range of activities – including but not limited to preventing or mitigating laws and policies that have the potential to increase disparate health outcomes to actively developing infrastructure and programming to support access to the resources that make good health possible. Some may believe that “achieving health equity” only describes proactive efforts to affirmatively advance health equity, while others believe that it also describes efforts to prevent the exacerbation of prevailing inequities or the potential

¹ H.R. 39, 2021 Biennium, 2021 Reg. Sess. (Cal. 2021). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220HR39

creation of new inequities – i.e., the orientation expressed in H.R. 39: “*reducing the unintended negative consequences of bills and preventing health and economic disparities.*” Meanwhile, some make a distinction between these two approaches to health equity work, assuming that not aggravating existing inequities or creating new inequalities is distinct and mutually exclusive from affirmatively advancing health equity.

That being said, this paper does not include discussions about whether equity is a useful consideration in policymaking. It is grounded in the perspective that (1) equity considerations are a legitimate consideration in legislative deliberations and (2) efforts to prevent the exacerbation of existing health inequities or the creation of new health inequities are inseparable from, and therefore constitute a part of, the broader efforts to affirmatively achieve health equity.

METHODS

The definitions of equity, the overview of existing legislative equity assessment models, and the proposed equity analysis framework put forward in this paper were informed by (A) a review of literature about equity in policymaking and existing legislative equity analysis models and (B) interviews with staff from state and local governments in the U.S. that have been delegated the task of producing and/or supporting legislative equity impact assessments.

Literature Review

Web of Science, Google Scholar, and Google Search were the search engines used to identify relevant literature using keywords and phrases that included: “legislative minority impact analysis,” “legislative Racial Equity Impact Assessment,” “equity legislative bill analysis,” “social audit,” “legislation social audit,” “equity scoring,” and “legislation equity scoring.” For Google Scholar, which tends to return a higher volume of search results than Web of Science, articles were limited to those produced after 2008 (the year the first state – Iowa – established a law mandating legislative equity analysis).

The definitions of “equity” and the information about the practice of legislative equity assessments and developed or proposed equity assessment models were drawn from the resulting body of literature. Given that (1) “equity in policymaking” is a particular context and (2) there is large body of literature (thousands of articles) that discusses equity broadly in different policy areas, an exhaustive review of “equity” in the different policy areas in the academic literature was determined to be unlikely to yield the policymaking context-specific information necessary to speak meaningfully to the theory and practice of equity in policymaking.

For perspective, a Web of Science search for “equity” and “policymaking” in any articles where the terms appeared together in the article abstract and limited to articles produced by scholars from the U.S. or England² returned 120 to 165 results (depending on whether “policymaking” or “policy making” was used) – most of which spoke generally to equity in specific policy areas (e.g., transportation or education, gender issues). A similar search for “equity” and “legislation” returned 378 articles of a similar nature. After a preliminary review of the resulting articles, it was determined that the content in these articles did not contain pertinent information that would be helpful for identifying what equity means in the specific practice of policymaking. Consequently, the definitions of equity in this paper were drawn primarily from the gray literature – which were developed specifically to educate decision-makers and the public about equity in policymaking.

As legislative equity analysis is a burgeoning practice, very few academic papers exist on this topic. The majority of the literature reviewed included law review articles (10 articles) and gray literature – including primarily toolkits that have been produced by both governmental and non-governmental entities on equity analysis in policymaking and government and policy documents.

Interviews

Fourteen state, county, and local governments that have developed and implemented legislative/policy equity analysis models were identified. Of these 14 governments, seven offices were selected as potential interviewees based on the implied rigor of the equity analysis methods used by their models as described in the literature. In total, **10 Interviews** were conducted – nine interviews with staff from five local and state government offices implementing and/or supporting legislative equity assessments and one interview with a former state government employee in California.³

² England was included because since 2000 in the United Kingdom, public authorities required to develop and publish race equity plans must assess proposed policies using a Race Equality Impact Assessment.

³ Interviewees were granted anonymity so they could speak honestly about their experiences. Consequently, individual interviewees and which governments they work for are not identified in this paper. However, the pool of potential interviewees is represented in the tables throughout this paper detailing the features of legislative equity assessment models that different governments have developed/are developing.

PART 1

Overview of Legislative Equity Analysis Models and Methods

LEGISLATIVE BILL ANALYSIS

This section provides an overview of the legislative process in California to identify where the key decision making points – and opportunities to consider equity impacts of proposed legislation – lie in the legislative process.

Key Decision Points: Committee Hearings & Floor Action

California is one of several states whose legislature operates on a biennial cycle.⁴ Bills are introduced by a legislator/“author” and must typically be in print for 30 days before any action or votes can be taken on them. After this period, a bill is assigned to one or more committees – according to its subject area – for a hearing. Some bills may be referred to two or (more rarely) three committees if their subject areas exceed the jurisdiction of a single committee.

Committee staff and consultants prepare a bill analysis, which is made publicly available prior to a committee hearing, for committee members to consider. During the committee hearing, the author presents the bill to the committee and testimony can be heard in support of or opposition to the bill. Bills that have fiscal implications must also be heard in the fiscal committees (Senate Appropriations or Assembly Appropriations) before a floor vote is taken on them.⁵ Bill analyses are also prepared prior to the floor vote though they are often less detailed than the bill analyses prepared prior to a committee hearing.⁶ On the floor, a bill is explained by the author, discussed by the members of the house, and voted on by legislators. If a bill is approved by the house of origin, this procedure is repeated in the second house.

If the bill is voted upon and passes through the second house without amendments or with concurred amendments, the final version of the bill is printed and proofread to ensure that the language in the document reflects the final action by the Legislature. It is then sent to the governor for approval. If a bill is amended in the second house, it must return to the house of origin for concurrence – to ensure the house of origin agrees with the amendments proposed by the second house. If the house of origin does not agree with the amendments made by the second house, in theory, the bill can be sent to a joint Assembly/Senate conference committee until differences are resolved. However, in practice, it is more common for the house of origin to exercise the option to vote to refuse/defeat the amended bill.

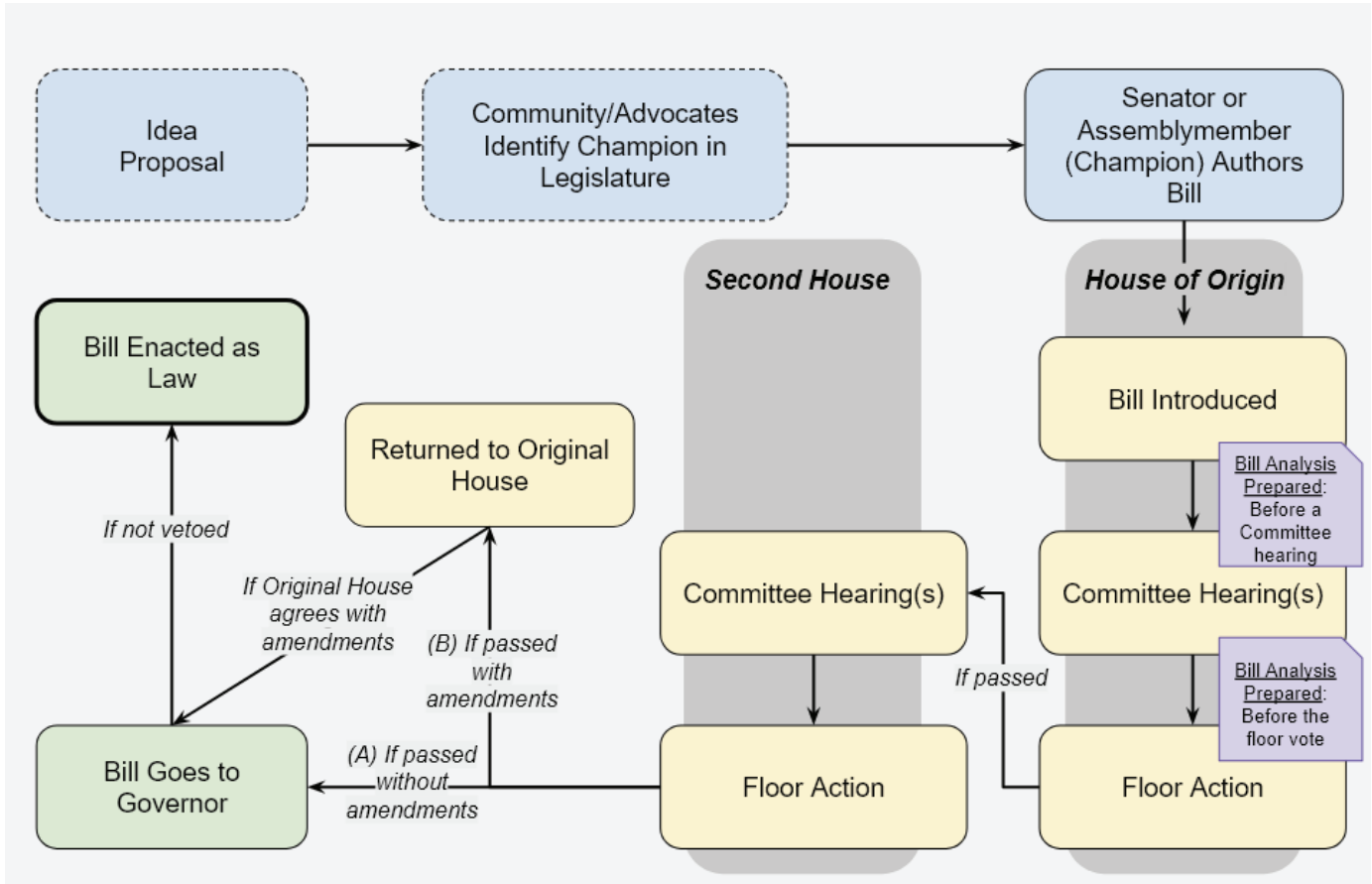
Committee hearings and floor actions are the public-facing portion of the legislative process in which legislators receive and evaluate information about proposed legislation – through bill analyses, community testimonies at committee hearings, and meetings with stakeholders. They typically span approximately 30 days between March and May. Within this period, there are two key points during which legislators will review bill analyses: (1) prior to a committee hearing and (2) prior to a floor vote on a bill (**Diagram A**).

⁴ National Conferences of State Legislatures. (2021). Legislative Session Length. <https://www.ncsl.org/resources/details/legislative-session-length>

⁵ California Legislative Information. (n.d.) Overview of Legislative Process. <http://www.leginfo.ca.gov/bil2lawx.html>

⁶ Conversation with state legislative committee staff.

Diagram A.
CALIFORNIA'S LEGISLATIVE PROCESS: BILL ANALYSES



Source: Graphic produced by the author – Ng (2024).

Overview of Bill Analysis

Bill analyses are produced by legislative staff and typically explain how a proposed bill changes existing law, summarize arguments for and against a bill, and identify who supports and opposes a bill. Committee staff and consultants often receive limited background information and guidance from the bill author’s office to produce bill analyses. Staff typically begin drafting a bill analysis one to two weeks before the first committee hearing. On average, bill analyses for individual bills take one to two days each to complete.⁷

Most legislative committee staff and consultants use a template to create a bill analysis report.⁸ While different bill analysis templates are used by different committees, they share a common structure: (1) a problem statement/background about the issues addressed by a proposed bill, (2) legislative history related to the bill and the issues that it intends to address, (3) a description of how the bill would impact the issues and whether and how it would change existing law or affect the activities of any relevant agencies, (4) a statement of why the bill is needed, (5) a description of any fiscal impacts, (6) a list of the bill’s supporters and opponents, and (7) any planned amendments to the bill. A large portion of most bill analyses focuses on describing the preexisting legal and policy landscape related to the issues addressed by a particular bill.⁹

⁷ Conversation with legislative committee staff and consultants.

⁸ Conversation with legislative committee staff and consultants.

⁹ Based on a review of bill analysis templates shared by California legislative staff.

Some of the bill analysis templates include a designated question or section inquiring about the potential equity impacts of proposed legislation.

- **Assembly Committee on Housing and Community Development:** *“How would your bill help reduce or eliminate inequities experienced by low- income communities and communities of color?”*
- **Assembly Committee on Business and Professions:** *“How would your bill help reduce or eliminate inequities experienced by vulnerable communities, including low- and moderate-income communities, communities of color, and other marginalized communities, or otherwise avoid harming those communities?”*
- **Assembly Committee on Human Services:** Includes an *“Equity Impact/Implication”* subsection within the *“Comments”* section near the end of the template.¹⁰

While these templates provide space to consider the equity impacts of proposed legislation, they do not include guidance about how to assess equity impact.

Based on a review of sample completed bill analysis templates, discussions of equity impacts in these sections range from a few sentences to several paragraphs that often reiterate or expand on background information about the bill that may have already been discussed in another part of the bill analysis or that restate reasons that the bill is needed. Some of these discussions include quantitative and/or qualitative evidence affirming why the bill could potentially address equity issues. However, equity analysis of the bill is not being implemented. Articulating why an issue being addressed by a bill might be an equity issue is distinct from analyzing the contents of a proposed bill for its potential equity impacts (i.e., declaring intent versus assessing potential and actual impact).¹¹

There may be an opportunity to further build out the existing “equity impact” section in committee bill analysis templates into a more methodical and thorough equity impact assessment process. At minimum, this portion of existing bill analyses could provide a natural opportunity to include the summary statements of any legislative equity impact assessment process – whether they are produced internally by committee staff or externally by other staff from an independent office.

¹⁰ Based on a review of sample completed bill analysis templates shared by California legislative staff.

¹¹ Based on a review of sample completed bill analysis templates shared by California legislative staff.

“EQUITY” IN POLICYMAKING

Equity analysis cannot be undertaken without first defining “equity.” Without a shared understanding of what “equity” means, there is no logic informing what “equity analysis” should accomplish. As a concept, “equity” can be expansive and nebulous, having broad applications to but also context-specific meaning within different policy areas (e.g., health, education, labor, etc.). Within the literature, much has been written on what constitutes “equity” within various policy areas. Consequently, this section does not provide an exhaustive analysis of what constitutes “equity” – such an undertaking extends beyond the purview of this paper. This paper only intends to provide a critical understanding of what “equity” means in the context of policymaking. To guide the development of an equity analysis framework, this paper identifies the most carefully considered definitions put forward by leaders in the field of equity in policymaking.

Definitions of Equity Guiding the Advocacy for Government Equity Impact Assessments

Incorporating equity into policymaking has been led by several major organizations, including Race Forward (formerly the Applied Research Center), the Government Alliance for Racial Equity (GARE) – a nonprofit segment of Race Forward developed in coordination with the University of California, Berkeley’s Othering and Belonging Institute – PolicyLink, the Urban Institute, and The Greenlining Institute. Over the years, these organizations have often served as expert consultants providing guidance to governments that have chosen to develop and integrate equity analysis models into their policymaking processes. The definition of “equity” that these organizations have developed are also the most commonly referenced definitions of equity in the literature, toolkits, and other documents that have been produced by both governments and nongovernmental entities on equity analysis in policymaking. These are their definitions of “equity.”

- **Race Forward:** *“As an outcome, we achieve racial equity when race no longer determines one’s socioeconomic outcomes; when everyone has what they need to thrive, no matter where they live. As a process, we apply racial equity when those most impacted by structural racial inequity are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives.”*¹²
- **GARE:** *“Racial equity is realized when race can no longer be used to predict life outcomes, and outcomes for all groups are improved.”*¹³
- **PolicyLink:** *“This is equity: the just and fair inclusion into a society in which all can participate, prosper, and reach their full potential.”*¹⁴
- **The Greenlining Institute:** *“[R]acial equity [is] the condition that would be achieved if one’s race or ethnic origin was no longer a determining factor in one’s success. This concept focuses on achieving comparable favorable outcomes across racial and ethnic groups through the allocation of resources in ways designed to remedy disadvantages some people face through no fault of their own.”*¹⁵

Most of these definitions focus explicitly on racial equity, though the underlying logic of what constitutes equity within these definitions can be applied to other demographic groups. Moreover, many of the toolkits convey that the intention of developing and incorporating equity assessment practices to increase racial equity is to increase equity for all in society.

¹² Race Forward. (n.d.). *What is Racial Equity?* <http://www.raceforward.org/what-racial-equity>

¹³ Curren, R., Nelson, J., Marsh, D. S., Noor, S., & Liu, N. (2016). *Racial Equity Action Plans, A How-to Manual*. Haas Institute for a Fair and Inclusive Society, University of California, Berkeley. <https://www.racialequityalliance.org/wp-content/uploads/2016/11/GARE-Racial-Equity-Action-Plans.pdf>

¹⁴ PolicyLink. (n.d.). *The Equity Manifesto*. <https://www.policylink.org/about-us/equity-manifesto>

¹⁵ Sanchez, A. & Saporta, C. (2013). *Racial Equity Toolkit. Implementing Greenlining’s Racial Equity Framework*. The Greenlining Institute. <https://greenlining.org/wp-content/uploads/2013/07/GLI-REF-Toolkit.pdf>

Government-Adopted Definitions of Equity

Some government agencies that have initiated the process of developing or have developed equity impact assessment models have adopted their own definitions of equity. These definitions can be found in documents such as equity analysis toolkits or equity action plans that government agencies have produced.

This section does not provide an exhaustive overview of all government entities that have either formally or informally adopted a working definition of equity. However, of the government agencies with definitions that have been reviewed, it is notable that definitions by lower levels of government go further than federal and state definitions to explicitly name equity in outcomes as their goal. In contrast, federal and state definitions seem to focus more on equity in opportunities. This distinction is important to note, because focusing on “equity in opportunities” or “equity in outcomes” indicates a position about how far governments’ obligations extend in efforts to achieve equity and, consequently, a focus on different end goals. When the focus is “equity in opportunities,” the end goal is to ensure that all people have equal access to opportunities – with the intention that this will increase opportunities for people that have historically had fewer opportunities and therefore reduce potential outcome disparities (i.e., “level the playing field”). However, when the focus is “equity in outcomes,” the end goal is ensuring that actual disparities in outcomes are minimized (i.e., “even the scoreboard”). A focus on “equity in outcomes” presumes that ensuring that all people have equal access to opportunities may not ensure that the distribution of costs and benefits of policies among different groups in society is fair – or, in other words, that disparities in outcomes will be minimized.

Federal

- **U.S. Executive Order 13985:** *“The term ‘equity’ means ‘the consistent and systematic fair, just, and impartial treatment of all individuals,’ and this definition specifically includes ‘Black, Latin[x], and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color.’ It also encompasses non-racial/ethnic populations, such as ‘members of religious minorities, lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.’”¹⁶*
- **Federal Agency Equity Action Plans:** EO 13985 mandated that federal agencies develop “Equity Action Plans,” many of which were published in 2022. Several of those plans reference the definition of equity outlined in EO 13985.¹⁷

State Government: California

- **California Department of Health and Human Services:** *“Equity is achieved when the dimensions of our identity (e.g., sex, gender identity and expression, cultural identity, ethnicity, disability, national origin, age, language, family structure, religion/faith, immigration status, or sexual orientation) and other dimensions of difference defined by social, economic, demographic, and/or geographic characteristics are no longer predictive of unjust cycles of harm and oppression across generations is stopped [...] Equity is the process of producing policies and practices that critically evaluate and uproot the determinants that have allowed for the exploitation and harm of the most vulnerable groups [...] Equity strives to remove the obstacles that prevent people from having full and complete access to all opportunities and actively works to provide targeted investments in those who have been impeded and harmed by systemic oppression.”¹⁸*

¹⁶ Exec. Order No. 13985, 3 C.F.R. 7009 (2021). <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

¹⁷ Mataka, A. & Lynch-Smith, M. (2023). *Agency Equity Action Plan*. U.S. Department of Health and Human Services. <https://www.hhs.gov/sites/default/files/hhs-equity-action-plan.pdf>; U.S. Department of the Interior. U.S. (2022). *U.S. Department of the Interior Equity Action Plan*. <https://www.doi.gov/sites/default/files/eo13985-02-10-2022-doi-equity-action-plan-final-with-cover.pdf>; U.S. Department of Housing and Urban Development. (2022). *Equity Action Plan*. <https://www.hud.gov/sites/dfiles/PA/documents/HUDEquity508compliant.pdf>; U.S. Department of Commerce (2022). *U.S. Department of Commerce Equity Action Plan*. <https://www.commerce.gov/sites/default/files/2022-04/DOC-Equity-Action-Plan.pdf>

¹⁸ California Health and Human Services Agency. (2023). *Children and Youth Behavioral Health Initiative Equity Framework: Draft Toolkit*. <https://www.chhs.ca.gov/wp-content/uploads/2023/03/Equity-Toolkit.updated-03282023.pdf>

- **California Health and Safety Code:** “Health equity” is defined in California law as “efforts to ensure that all people have full and equal access to opportunities that enable them to lead healthy lives.”¹⁹
- **California H.R. 39:** “‘Determinants of equity’ means social, economic, geographic, political, and physical environmental conditions that lead to the creation of a fair and just society” and “‘Health equity’ means efforts to ensure that all people have full and equal access to opportunities that enable them to lead healthy lives.”²⁰

Local Governments

- **King County, Washington:** “‘Equity’ means all people have full and equal access to opportunities that enable them to attain their full potential. ‘Determinants of equity’ means the social, economic, geographic, political and physical environment conditions in which people in our county are born, grow, live, work and age that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of race, class, gender or language spoken. Inequities are created when barriers exist that prevent individuals and communities from accessing these conditions and reaching their full potential.”²¹
- **Dallas, Texas:** “Equity means each person has the resources and services to thrive, such that racial and socioeconomic disparities are eliminated and outcomes improve for all. Different from equality, equity accounts for the unique identities, circumstances, and histories of different people as well as different experiences with institutions and systems. Racial equity [...] occurs when people are thriving and race cannot be used to predict outcomes.”²²
- **Boulder, Colorado:** “when one’s identity cannot predict the outcome.”²³
- **Los Angeles County, California:** “Procedural equity refers to fair, transparent, and inclusive processes that lead to more just outcomes and opportunities for individuals impacted by inequity. Procedural equity can be achieved through processes that acknowledge power imbalances across stakeholders and aim to rectify them by recognizing diverse forms of power and expertise, namely expertise from lived experiences — integral to informing more equitable and effective public decision-making [...] Distributional equity is the most understood form of equity, achieved through fair allocation of resources such as goods and services, as well as societal benefits and burdens. [...] Structural equity addresses the root causes of inequities including underlying systemic structures, policies, societal norms, and practices that contribute towards disparate population-level outcomes... Structural equity targets historical factors and remediates past wrongs, learning from history to avoid future unintended consequences. In summary, Procedural equity ensures all process participants are inclusively engaged and authentically valued. Distributional equity prioritizes resources for communities most impacted by systemic injustices to achieve universally beneficial quality of life outcomes for all. Structural equity sheds light on factors such as racism, classism, and sexism that undergird present-day power dynamics perpetuating systemic barriers for people from diverse backgrounds and identities.”²⁴
- **The City and County of San Francisco, California:** “‘Racial Equity’ means the systematic fair treatment of people of all Races that results in equal outcomes, while recognizing the historical context and systemic harm done to specific racial groups.”²⁵

¹⁹ California Health and Safety Code, Section 131019.5(a)(2). https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=112.&title=&part=1.&chapter=1.&article=

²⁰ H.R. 39. (Cal. 2021).

²¹ King County. (2010). *King County Equity Impact Review Tool*. <https://kingcounty.gov/~media/elected/executive/equity-social-justice/documents/KingCountyEIRTool2010>

²² City of Dallas Office of Equity and Office of Budget. (2021). *Budgeting For Equity*. [https://dallascityhall.com/departments/office-of-equity-and-inclusion/ResilientDallas/DCH%20Documents/Budgeting%20for%20Equity_FY20%20\(1\).pdf](https://dallascityhall.com/departments/office-of-equity-and-inclusion/ResilientDallas/DCH%20Documents/Budgeting%20for%20Equity_FY20%20(1).pdf)

²³ City of Boulder. (2021). *Racial Equity Plan*. <https://boulder.colorado.gov/media/4167/download?inline>

²⁴ County of Los Angeles Anti-Racism, Diversity, and Inclusion (ARDI) Initiative. (2023). *Los Angeles County Racial Equity Strategic Plan*. https://file.lacounty.gov/SDSInter/lac/1137148_ARDIStratPlan2.8.23_fullreport.pdf

²⁵ San Francisco Ordinance No. 188-19, Code Section 12A.19(a) (2019). <https://sfbos.org/sites/default/files/o0188-19.pdf>

A Taxonomy of Equity in Policymaking

Based on the gray literature that was reviewed, within the policy context, there are three areas where “equity” can and should be evaluated: opportunities, processes, and outcomes.

- **Equity in opportunities** describes the condition in which a person’s access to resources and meaningful opportunities to develop to their fullest potential is not determined by their membership in a particular demographic group.
- **Equity in processes** describes the condition in which a person’s opportunities to participate meaningfully in the design, implementation, and evaluation of a policy is similarly not determined by their membership in a particular demographic group. It is a subcategory of equity in opportunities, given that the ability to participate in the processes shaping the laws that will govern their lives is a type of civic opportunity.
- **Equity in outcomes** describes the condition in which, at the individual level, a person’s outcomes cannot be predicted by their membership within one or more demographic groups. At the societal level, equity in outcomes describes when the distribution of outcomes for individuals within demographic groups is comparable across demographic groups. In other words, the range of outcomes – from best to worst – for individuals within a specific demographic group are not drastically different from the ranges of outcomes for individuals in other demographic groups.

Social Determinants of Health

Because the previous definitions of equity speak to equity more generally, and H.R. 39 speaks specifically to health equity, it is important to describe the social determinants of health – the “non-medical” factors shaping access to opportunities that individuals have to good health outcomes, including physical and mental well-being and quality of life more generally.²⁶ Leading government health agencies – like the U.S. Department of Health and Human Services²⁷ – and nongovernmental public health organizations – including the World Health Organization²⁸, the Centers for Disease Control and Prevention²⁹ – provide converging descriptions of the social determinants of health and have affirmed their role in shaping the equity of health outcomes.

Social determinants of health (equity) include, but are not limited to: *income, social safety nets, employment and job insecurity, working life conditions, food security, safe and affordable housing, basic amenities, built environments (including safe neighborhoods and access to green spaces), climate and environmental quality (including land, air, and water), early childhood development, education, affordable and quality health services, transportation, and exposure to racism, discrimination, and violence.*

²⁶ Braveman, P. & Gottlieb, L. (2014). The social determinants of health: it’s time to consider the causes of the causes. *Public health reports*, 129(1_suppl2), 19-31. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3863696/>; Jones, C. P. (2014). Systems of power, axes of inequity: parallels, intersections, braiding the strands. *Medical care*, 52, S71-S75. https://journals.lww.com/lww-medicalcare/fulltext/2014/10001/systems_of_power_axes_of_inequity__parallels.12.aspx

²⁷ Office of Disease Prevention and Health Promotion. (n.d.). *Social Determinants of Health*. <https://health.gov/healthypeople/priority-areas/social-determinants-health>

²⁸ World Health Organization. (n.d.). *Social determinants of health*. https://www.who.int/health-topics/social-determinants-of-health#tab=tab_1

²⁹ Centers for Disease Control and Prevention. (n.d.). *Social Determinants of Health at CDC*. <https://www.cdc.gov/about/sdoh/index.html>

HISTORY OF LEGISLATIVE EQUITY ANALYSIS IN THE U.S.

The immediate goal of legislative equity analysis is to introduce a formalized process that allows legislators to consider the equity impacts of proposed legislation. In the intermediate, legislative equity analysis is intended to catalyze an institutional shift in what is considered during the legislative process.³⁰ In the long term, as some of the leading organizations that have been advancing equity analysis in government work have articulated and as can be inferred about H.R. 39's intent based on its language (“reducing the unintended negative consequences of bills and preventing health and economic disparities”), legislative equity assessments are meant to encourage policymakers to enact fewer policies that have the potential to create and exacerbate social inequities.³¹

State and Local Efforts

In the U.S., equity impact assessments seem to be most commonly developed for and used at the executive levels of state and local government and are more rarely developed for and implemented at the legislative level of government.³² Legislative equity analysis is a more recent phenomenon – commonly taking the form of “racial impact statements” (RIS)/“minority impact statements” (MIS) or “racial equity impact assessments” (REIA). No formalized models appear to have been established at the federal level. However, the Congressional Budget Office (CBO) is starting to present analyses disaggregated by race and ethnicity³³ and efforts to begin exploring federal level equity impact assessments were initiated by President Biden in 2021 through U.S. Executive Order 13985.³⁴

In 2008, Iowa introduced the country's first legislation mandating legislative equity impact analysis – being motivated to do so after a 2007 Sentencing Project report ranked the state as having the nation's most racially disproportionate incarceration outcomes. Since then, nine states have enacted legislation to introduce some form of legislative equity analysis, while 28 other states have proposed but failed to pass similar legislation.³⁵ The majority of states that have passed equity impact legislation have done so within the last five years, with the most recent wave of legislation – four in 2021 – having been strongly informed by the dramatic shift in the political landscape catalyzed simultaneously by George Floyd's death and the COVID-19 pandemic. Of the states with enacted legislation, most focus exclusively on legislation affecting their criminal legal systems. Only three states – Colorado, Illinois, and Maine – make legislation for policy areas other than the criminal legal system eligible for equity impact analysis. Meanwhile, other states like Maryland, Minnesota, Florida, and California have developed or are developing processes to implement legislative equity analysis through mechanisms other than legislation that legally prescribes a formal equity analysis process.³⁶

³⁰ McGahey, R., de Souza Briggs, X., Treuhaft, S., & Sherman, J. (2023). *Measuring What Matters for Racial Progress: Local and State Innovation for Racial Equity Impact Assessments*. Institute on Race, Power, and Political Economy. <https://racepowerpolicy.org/measuring-what-matters/>; Office of Management and Budget. (2021). *Study to identify methods to assess equity: Report to the president*. https://www.whitehouse.gov/wp-content/uploads/2021/08/OMB-Report-on-E013985-Implementation_508-Compliant-Secure-v1.1.pdf.

³¹ Curren et al. (2016).

³² Favro, T. (2020). *City Equity Offices in America*. City Mayors Society.

<http://www.citymayors.com/society/usa-city-equity-offices.html>; Lawton, B. & Hunter, D. (2023). Overview of State and Local Equity Offices. The Network for Public Health Law. https://www.networkforphl.org/wp-content/uploads/2023/03/Overview-of-State-and-Local-Equity-Offices_.pdf

³³ Ashley, S., Acs, G., Brown, S., Deich, M., MacDonald, G., Maroon, D., Balu, R., Rogers, M., McAfee, M., Kirschenbaum, J., Ross, T., Gardere, A., & Treuhaft, S. (2022). *Scoring Federal Legislation for Equity Definition, Framework, and Potential Application*. Urban Policy and PolicyLink. <https://www.urban.org/sites/default/files/2022-06/Scoring%20Federal%20Legislation%20for%20Equity.pdf>

³⁴ Exec. Order No. 13985 (2021).

³⁵ Nielson, J. (2023). The Slow Race: Achieving Equity Through Legislative and Agency Minority Impact Statements. *Minnesota Journal of Law & Inequality*, 41(2), 45. <https://doi.org/10.24926/25730037.681>

³⁶ Nielson (2023).

At the state level, Connecticut and Minnesota are in the process of developing more formal legislative equity impact assessment models – by expanding on their established models. At the local level, Madison, Wisconsin, is also developing a legislative equity impact assessment process.³⁷

Local governments at the county and city level have also enacted policies to begin integrating equity analysis in local policy and/or budget making – most notably Washington, D.C., Montgomery County, Maryland, Seattle, Washington, King County, Washington, and Dallas, Texas, and Bloomington, Minnesota. These local models tend to be more expansive, encompassing more policy areas than most of the models developed at the state level.

Adjacent Impact Assessment Efforts in Government Work

While legislative equity analysis is a relatively modern undertaking, it draws on government impact assessment models that were established in the 1970s. In 1974, the federal government created the CBO to provide legislators with objective, nonpartisan information to support the federal budget process, an office that continues to produce fiscal analyses of proposed policies today.³⁸ Meanwhile, nearly all state legislatures produce some kind of “fiscal note” to assess the budgetary impacts of any proposed policy – though the degree to which these notes are accurate and useful varies.³⁹ Similarly, environmental impact assessments (EIA) – which aim to identify potential equity impacts of proposed land use and development projects – have been required of developers and government agencies involved in these projects via Environmental Impact Statements (EIS) under the National Environmental Policy Act (NEPA) since 1970 for federal projects⁴⁰ and Environmental Impact Reviews (EIR) under the California Environmental Quality Act (CEQA) since 1974 for California specific projects.⁴¹

Other initiatives have also been developed to begin more critically assessing the public health impacts of policies and projects. Since 2007, several state governments have developed Health Impact Review/Assessment initiatives to specifically evaluate proposed projects and legislation for potential public health impacts – including Massachusetts, Washington, and Vermont.⁴² In 2018, the Health Impact Project – a collaboration of the Robert Wood Johnson Foundation and The Pew Charitable Trusts – launched a pilot project to help policymakers understand the health implications of proposed legislation using a policy analysis tool called “Health Notes.”⁴³ The project resulted in the creation of a toolkit outlining a process for conducting equity impact analyses of health related policies. The process outlined in the toolkit is far more resource-intensive – aligning more closely with traditional academic research processes – than any of the models that have been adopted at the state or local level.

More recently, advocates have proposed using federal budget scoring as a model to institutionalize equity scoring of legislation. Just as fiscal analysis scores legislation for budget impacts, equity analysis would score the equity impact of proposed legislation.⁴⁴ This builds on recent – though unsuccessful – efforts in 2021 to pass federal legislation that would have expanded the CBO’s responsibilities to include equity scoring of legislation – namely the Social and Economic Equity

³⁷ Interviews with government staff who have been consulted by the staff from these jurisdictions for this purpose; email correspondence with government staff for the City of Madison.

³⁸ Congressional Budget Act of 1974. 2 U.S.C. 601 (1974). <https://www.govinfo.gov/content/pkg/USCODE-2022-title2/pdf/USCODE-2022-title2-chap17-sec601.pdf>

³⁹ McNichol, E., Lav, I. J., & Masterson, K. (2015). *Better Cost Estimates, Better Budgets. Improved Fiscal Notes Would Help States Make More Informed Decisions*. Center on Budget and Policy Priorities. <https://www.cbpp.org/research/better-cost-estimates-better-budgets>

⁴⁰ National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 et seq. (1969). [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:4321%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:4321%20edition:prelim))

⁴¹ California Environmental Quality Act, Cal. Code of Regulations. Title 14, Section 15002. https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf

⁴² The Pew Charitable Trusts. (2015). *Health Impact Assessment Legislation in the States*. Health Impact Project. https://www.pewtrusts.org/~media/assets/2015/01/hia_and_legislation_issue_brief.pdf

⁴³ The Pew Charitable Trusts. (2021). *A User’s Guide to Legislative Health Notes*. Health Impact Project. <https://www.pewtrusts.org/~media/assets/2021/04/apracticitionersguidereportfinal.pdf>

⁴⁴ Ashley et al. (2022)

Promotion Act (H.R. 2078) and the CBO FAIR Scoring Act (S. 2723 and H.R. 5018). The Social and Economic Equity Promotion Act would have required the CBO to begin developing its equity analysis capacities by establishing a Division of Social and Economic Equity that would be responsible for conducting equity analyses and developing a report that it would submit to Congress describing how the CBO would implement equity analyses. The act would have provided the CBO a year to develop a process for and to begin implementing equity analyses of bills and resolutions in each of the first four years they would be in effect. The CBO FAIR Scoring Act would similarly have required equity analysis of legislation, focusing on equity in opportunities/treatment.

Existing Efforts to Integrate Equity Analysis Into California Legislative Decision Making

A couple of California Assembly Committees have engaged in efforts to integrate more guided and/or rigorous equity analysis in the bill analyses for proposed legislation.

The Assembly Committee on Education incorporates a question in its bill analysis template that asks users to engage in evidence-based policy analysis of proposed education bills. The question asks users to describe whether and how a proposed bill would affect educational opportunities for different student groups (e.g., socioeconomically disadvantaged, English learners, and foster students). It includes a bit of guidance about identifying education and other related outcomes that might be impacted by a bill and how to analyze data to determine how a bill might affect those outcomes across different groups.⁴⁵

The Assembly Health Committee receives some external support from the [California Health Benefits Review Program](#) (CHBRP) to produce bill analyses for legislation related to health insurance benefits (California Health and Safety Code Section 127660-127665). CHBRP was established through state legislation in 2002 and has since been routinely reauthorized. CHBRP legislative analyses are completed by members of a large coordinated team of researchers (including five core CHBRP staff, a 35-member network of University of California faculty and researchers, a 13-member national advisory council, and actuarial consultants) typically within 60 days of a legislative request, usually before the Legislature begins formal consideration of a mandate bill. The program has produced over 200 analyses since 2002. Each analysis report covers three areas: “medical effectiveness,” “cost impact,” and “public health impact.” The public health impact analysis is the most closely aligned to equity analysis as it considers a bill’s potential “Impact on Disparities and Social Determinants of Health” – including when possible “differences in disease prevalence, health services utilization, and health outcomes by gender and race/ethnicity, preferably in the insured population.”⁴⁶ Committee staff use the report findings to inform the bill analyses that they produce. No evidence suggests that this same level of external support is provided to produce bill analyses for other types of proposed health legislation.

⁴⁵ Based on a review of sample bill analysis templates shared by California legislative staff.

⁴⁶ California Health Benefits Review Program. (n.d.). *Public Health Impact Analysis: Summary*. <https://www.chbrp.org/about/analysis-methodology/public-health-impact-analysis>

OVERVIEW OF CURRENT LEGISLATIVE EQUITY ASSESSMENT MODELS

This section (**Tables 1 to 3**) provides an overview of established legislative equity analysis models implemented at the local and state levels, including a description of key features and conclusions about whether models’ resource configurations support their ability to produce equity assessments – based on the literature and interviews.

Due to the lack of public information about some of the legislative equity assessments that each government produces and multiple factors affecting policy outcomes in addition to the enacted policies themselves, this section neither attempts to evaluate how these models may have impacted the quantity of legislation that has been considered and enacted nor outcomes for policy areas that are covered by certain equity analysis models. In the future, it may be feasible to evaluate the relationship between the quantity of equity impact assessments produced and the quantity of legislation being introduced and enacted that have high potential to exacerbate inequitable outcomes. However, this would require that more information about each government’s legislative equity impact assessments be publicly accessible – a topic that will be discussed later in this section.

Tables 1 to 3 document key features of equity impact assessment models that have been developed or are being seriously considered by state and local governments. As they indicate, each state and local government that has undertaken the process of incorporating equity analysis into its legislative decision making has done so in its own idiosyncratic way. However, some key features and common shortcomings of each of the models are important to note as California embarks on its own process to gradually integrate equity analysis into state policymaking.

Table 1
Authorizing Mechanisms & Implementing Entities for Equity Assessments

State/Locality	Year Established*	Authorizing Mechanism*	Implementing Entity*
State Governments			
Iowa ⁴⁷	2008	House File 2393	Legislative Services Agency (Fiscal Services Division) – existing agency with 13 Fiscal Legislative Analysts ⁴⁸ – in cooperation with the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights.
Connecticut ⁴⁹	2008	House Bill 5933	Office of Fiscal Analysis and Office of Legislative Research – existing agency with 20 analysts total but one analyst for criminal legal issues. ⁵⁰
Oregon ⁵¹	2013	Senate Bill 463B	Oregon Criminal Justice Commission’s in-house Statistical Analysis Center – existing agency with five research staff. ⁵²

Continued on next page

⁴⁷ House File 2393, 2008 Biennium, 2008 Reg. Sess. (Iowa 2008). <https://www.legis.iowa.gov/legislation/BillBook?ga=82&ba=HF%202393>

⁴⁸ Legislative Services Agency (n.d.). *Fiscal Services*. <https://www.legis.iowa.gov/agencies/nonpartisan/lisa/fiscalServices>

⁴⁹ Public Act No. 08-143 (House Bill No. 5933), 2008 Biennium, 2008 Reg. Sess. (Conn. 2008). <https://www.cga.ct.gov/2008/ACT/Pa/pdf/2008PA-00143-R00HB-05933-PA.pdf>

⁵⁰ Office of Fiscal Analysis. (n.d.). *OFA STAFF*. <https://www.cga.ct.gov/ofa/Documents/AboutOFA/OFFICE%20OF%20FISCAL%20ANALYSIS%20DIRECTORY.pdf>

⁵¹ Senate Bill 463, 2013 Biennium, 2013 Reg. Sess. (Ore. 2013). <https://olis.oregonlegislature.gov/liz/2013R1/Downloads/MeasureDocument/SB463/Enrolled>

⁵² Oregon Criminal Justice Commission. (n.d.). Contact. <https://www.oregon.gov/cjc/about/Pages/Contact.aspx>

State/Locality	Year Established*	Authorizing Mechanism*	Implementing Entity*
New Jersey ⁵³	2018	Senate Bill 677	Office of Legislative Services (for bills) – existing agency with five fiscal and policy analysts under the Legislative Budget and Finance Office (LBFO) and three analysts under the Law and Public Safety Section of its Central Management Unit (CMU). ⁵⁴ State agencies (for proposed rules).
Colorado ⁵⁵	2021	House Bill 19-1184	Legislative Council Staff (nonpartisan research arm of the Colorado General Assembly) – hired one dedicated full-time economist.
Illinois ⁵⁶	2021	House Bill 158	Any state agency or board impacted by or responsible for implementing all or part of a bill.
Maine ⁵⁷	2021	House Paper 5 Pilot project authorized by state House of Representatives to study best method to implement racial impact statements with a sunset clause for 2022; recently extended.	Commissioner or director of a state agency or the commissioner or director's designee.
Virginia ⁵⁸	2021	House Bill 1990	Joint Legislative Audit and Review Commission – existing agency including 22 analysts and researchers ⁵⁹ – supported by other state agencies as needed.
Maryland ⁶⁰	2021	State Assembly authorized pilot program	Department of Legislative Services, Racial Equity Impact Note (REIN) unit – a created unit with five dedicated full-time staff (three dedicated analysts to write notes, a data analyst, and a manager). ⁶¹
Minnesota ⁶²	2008	Measure voluntarily adopted by Sentencing Guidelines Commission (and formally adopted in 2015)	Minnesota Sentencing Guidelines Commission (MSGC) – existing agency with two research analysts. ⁶³
Florida ⁶⁴	2019	State authorized agreement	Office of Program Policy Analysis and Government Accountability in Partnership with the College of Criminology and Criminal Justice at Florida State University.

Continued on next page

⁵³ Senate Bill 677, 2018 Biennium, 2018 Reg. Sess. (N.J. 2018). https://pub.njleg.gov/bills/2016/S1000/677_R3.PDF

⁵⁴ New Jersey State Legislature. (n.d.). *Office of Legislative Services*. <https://www.njleg.state.nj.us/office-of-legislative-services>

⁵⁵ House Bill 19-1184, 2021 Reg. Sess. (Colo. 2021). https://leg.colorado.gov/sites/default/files/2019a_1184_signed.pdf

⁵⁶ House Bill 158, 2021 Reg. Sess. (Ill. 2021). <https://www.ilga.gov/legislation/publicacts/102/102-0004.htm>

⁵⁷ H.P. 5, 2021 Reg. Sess. (Maine 2021). <https://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP0005&item=1&snum=130>

⁵⁸ House Bill 1990, 2021 Biennium, 2021 Spec. Sess. (Va. 2021). <https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0183>

⁵⁹ Joint Legislative Audit and Review Commission. (n.d.). *JLARC Staff*. <https://jlarc.virginia.gov/staff.asp>

⁶⁰ Wood, P. (2021, February 2). In pilot program, Maryland lawmakers to give extra scrutiny to racial equity in criminal justice legislation. *The Baltimore Sun*. <https://www.baltimoresun.com/2021/02/02/in-pilot-program-maryland-lawmakers-to-give-extra-scrutiny-to-racial-equity-in-criminal-justice-legislation/>

⁶¹ Information shared by government staff with the REIN unit.

⁶² Minnesota Sentencing Guidelines Commission. (2017). *Demographic Impact Statement Policy, Version 2.0*. https://mn.gov/msgc-stat/documents/racial-impact-statements/DemographicImpactStatementPolicy_2.pdf

⁶³ Minnesota Sentencing Guidelines Commission. (n.d.). *Commission Staff*. <https://mn.gov/sentencing-guidelines/about/staff/>

⁶⁴ College of Criminology & Criminal Justice, Florida State University. (2019). *Assessing the Statewide Racial/Ethnic Impact of Proposed Criminal Justice Legislation in Florida*. <https://criminology.fsu.edu/center-for-criminology-and-public-policy-research/center-general-projects/assessing-statewide-raciaethnic-impact-proposed-criminal-justice-Legislation-florida>

State/Locality	Year Established*	Authorizing Mechanism*	Implementing Entity*
Local Governments			
Washington, D.C. ⁶⁵	2020	Law 23-181	D.C. Council Office of Racial Equity (CORE) – created office with six dedicated full-time staff (each committee is assigned a staff analyst).
Montgomery County, Maryland ⁶⁶	RESJ Impact Statements: 2019 Supplemental Appropriations REIAs: 2020	RESJ Impact Statements: Bill 27-19 Supplemental Appropriations REIAs: Bill 44-20	RESJ Impact Statements: Newly created unit within Office of Legislative Oversight (existing agency) with two dedicated full-time staff (one focused on bills and one focused on zoning text amendments) and one supervising staff member. Supplemental Appropriations REIAs: Central Council – a team of 12 staff members each assigned to specific policy areas at an existing office.
King County, Washington (testing) ⁶⁷	2018 – present	Authorized by the County Council’s Employee and Administration Committee in July 2018. Budgetary approval to implement the Determinants of Equity Data Tool by Ordinance 19364 (2021 2nd Omnibus) in November 2021.	County Council Legislative Policy Staff – existing unit with 20 legislative analysts.

* Information was sourced from the language in the authorizing legislation/policy unless otherwise indicated.

Who Implements Equity Assessments & Quality of Equity Assessments

Relying on Internal Staff or Dedicated Independent Staff

Governments either assign the task of producing equity impact assessments to internal staff (“internal staff model”) or hire new staff whose primary responsibility is to produce equity impact assessments (“dedicated independent staff model”) (Table 1). Most governments task the staff working for bodies within or adjacent to their legislature with producing equity impact assessments. These bodies include nonpartisan legislative research offices, commissions developing policy for state criminal legal systems, or the state agencies that will be impacted by proposed legislation. Many of the nonpartisan legislative research offices assigned to produce equity assessments are already responsible for producing fiscal analyses for legislation – such as Iowa (the Fiscal Division of its Legislative Services Agency) and Connecticut (Office of Fiscal Analysis and Office of Legislative Research).

Some governments also contract out to/partner with an external entity, such as local research universities with law schools and public policy programs, to produce the equity impact assessment reports themselves.⁶⁸ Before Maryland formally established its Racial Equity Impact Notes (REIN) unit within its Department of Legislative Services, the department partnered with Bowie State University and the University of Baltimore Schaefer Center for Public Policy to produce the first set of REIN and to help the unit develop a process for its assessments.⁶⁹ Since 2019, Florida’s Senate Criminal Justice Committee has relied on statements produced by researchers at Florida State University to inform its decisions on proposed

⁶⁵ Racial Equity Achieves Results (REACH) Amendment Act of 2020, Law 23-181, (D.C. 2020). <https://code.dccouncil.gov/us/dc/council/laws/23-181>

⁶⁶ Racial Equity and Social Justice Act, Bill 27-19, (Montgomery County 2019). <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/RacialEquity/Bill27-19.pdf>; Racial Equity and Social Justice – Impact Statements -Advisory Committee – Amendments, Bill 44-20, (Montgomery County 2020). <https://mgaleg.maryland.gov/pubs/LegisLegal/County-Legislation/2021-Montgomery-County-44-20.pdf>

⁶⁷ Interview with government staff.

⁶⁸ Nielson (2023); Strub Kabitz, D. (2023). Engaging in Equity-Centered Policymaking: State-Level Racial Equity Impact Assessment Trends, Lessons Learned, and Future Directions. *Mitchell Hamline Law Review*, 49(3), 3. <https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1324&context=mhrlr>

⁶⁹ Interview with government staff.

legislation affecting the state’s criminal legal system.⁷⁰

More rarely, governments appropriate funding to hire dedicated staff or establish entire specialized units to produce equity impact analyses (e.g., Colorado, Maryland, Montgomery County, and D.C.). Colorado allocates funding for a full-time economist to produce its equity impact statements, while Maryland eventually increased staffing for its REIN unit to five full-time staff.

Quality of Equity Assessment Models

Both the literature and interviewees suggest that the quality of the assessments that are produced are highly correlated with a model’s resourcing configuration – whether equity assessments are added to the tasks of existing government staff (“internal staff model”) or additional staff are hired specifically to perform equity assessments (“dedicated independent staff model”). As Strub Kabitiz (2023) – which provides an overview of current state-level REIA trends and identifies shortcomings and “best practices” for states seeking to adopt REIA legislation – suggests, assigning equity impact assessments to existing legislative staff essentially “assigns an important and time-involved task to already overworked staff without additional capacity considerations.”⁷¹

The quality (level of detail and rigor) of the analyses produced by governments that utilize the “internal staff model” have been described in the literature as either indeterminate or likely poor, given that, with few exceptions, this group’s body of equity impact analyses are few in number and/or often not publicly accessible or easily found (**Table 5**). For some perspective, recent assessments of Iowa’s model (Ellis [2021] indicates that although it has produced a large quantity of statements since its inception in 2008 (over 200 by some accounts⁷²), the quality of the statements, and the degree to which they actually constitute equity analyses, particularly in recent years, has been questionable: “Iowa’s minority impact statements began as two to three paragraphs of analysis but eroded over time to now be roughly two to three sentences in length” and “more recent statements limited their analysis to Black Iowans only, which excluded analysis for women, people with disabilities, and other people of color or ethnicities as provided under the Iowa Code.”⁷³ Governments that rely on existing legislative staff with no additional resources (e.g., no external partners) to produce equity impact assessments seem to be susceptible to producing analyses of a less rigorous quality.

The literature also suggests that both the highest quality and highest volume of equity analyses are produced by the governments using the “dedicated independent staff” model – a conclusion supported by information from interviews with government staff and a review of published equity impact assessments (**Table 5** and **Graph 1**).

The clearest demonstration of the difference between these two resourcing approaches – “internal staff” versus “dedicated independent staff” models – can be observed in Montgomery County. The independent three-person unit producing RESJ Impact Statements under Montgomery County Council’s Office of Legislative Oversight was newly established through a 2019 policy that required the county to produce equity impact statements (RESJ Impact Statements) for all policies and zoning amendments considered by the County Council. Alternatively, a 2020 policy requiring equity impact statements to be produced for any supplemental appropriations requests made by County Council members relies exclusively on a body of 12-Central Council staff – each assigned to specific policy areas – that are already managing a full portfolio of other work to produce these statements.

While the RESJ Impact Statements outline methodical equity considerations of proposed legislation, the supplemental

⁷⁰ Nielson (2023).

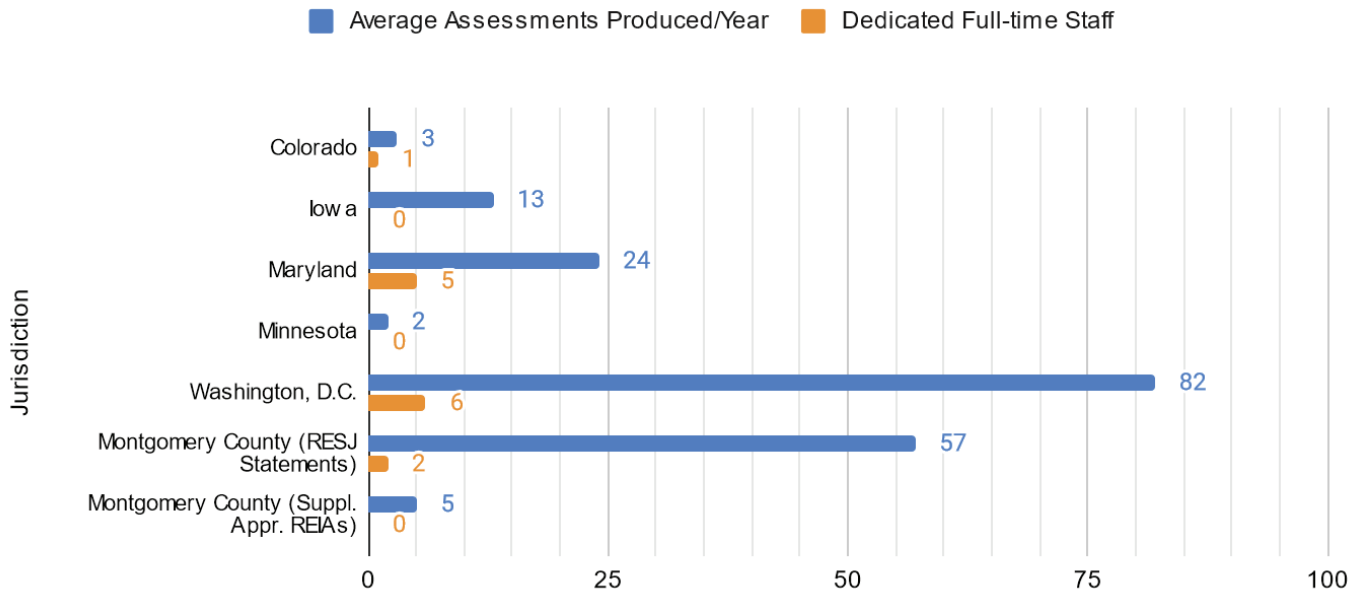
⁷¹ Strub Kabitiz (2023).

⁷² Nielson (2023).

⁷³ Ellis, A. (2021). *The color of justice: racial and ethnic disparity in state prisons*. The Sentencing Project. <https://www.sentencingproject.org/app/uploads/2022/08/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>; Gahn, T., Porter, B. & Dopp, A. (2020). *The promise of racial impact statements. Findings from a case study of minority impact statements in Iowa*. Community Empowerment Law Project. National Juvenile Justice Network. [https://www.njjn.org/uploads/digital-library/thepromiseofracialimpactstatements_njjnoctober2020\(small\).pdf](https://www.njjn.org/uploads/digital-library/thepromiseofracialimpactstatements_njjnoctober2020(small).pdf); Nielson (2023).

appropriations statements produced by Central Council staff provide some background information on related issues but include little original equity analysis. Moreover, some of the Central Council staff rely on and incorporate research that has already been developed for the executive branch by a few staff members at the Office of Racial Equity and Social Justice (ORESJ) that are specifically tasked with producing REIAs⁷⁴ for supplemental appropriations requests made by county executive branch departments.⁷⁵

Graph 1
Staffing and Number of Assessments Produced Varies by Jurisdiction



Bill Eligibility Selection Criteria & Volume of Equity Assessments

What policy areas are included, whom a government considers a “minority” person (how populations of interest are referred to in the legislation), and the mechanism for determining whether a bill is eligible for equity analysis collectively impact the prospective volume of bills eligible for review and the corresponding volume of equity assessment reports that governments are expected to produce (**Table 2**).

Table 2
Policy Areas, Populations of Interest & Eligibility Criteria for Equity Analyses

State/ Locality	Policy Area(s)*	Minority Populations of Interest*	Eligibility for Review Criteria*
State Governments			
Iowa	Criminal legal system	Race and ethnicity, gender, persons with disabilities	Any bill that could affect the criminal justice system triggers a statement (Legislative Services Agency makes determination). Can also be requested by any member of the General Assembly. No limit on the number of statements requested per session. After a bill moves out of committee and before debate on the floor begins. Legislators may also request them at any point in the legislative process.

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⁷⁴ Office of Legislative Oversight. (n.d.). *Racial Equity and Social Justice Impact Statements: Supplemental Appropriations*. <https://www.montgomerycountymd.gov/ore/appr.html>

⁷⁵ Confirmed by an interviewee who emailed the responses of a Central Council staffer and shared a sample completed supplemental appropriation assessment.

State/ Locality	Policy Area(s)*	Minority Populations of Interest*	Eligibility for Review Criteria*
Connecticut	Criminal legal system; amended in 2018 to gradually include any policy area ⁷⁶	Race and ethnicity (no specified groups)	Can be requested by any member of the General Assembly within 10 days after the deadline. No limit on the number of impact statements requested per session.
Oregon	Criminal legal system	Race and ethnicity, gender and persons with disabilities (for statements required by state agency that awards grants; not specified for statements produced by Oregon Criminal Justice Commission)	Can be requested if one member of the Assembly from each major political party signs a request.
New Jersey	Criminal legal system	Race and ethnicity (no specified groups), juveniles	Any bill or state agency rule that could affect the criminal justice system triggers a statement.
Colorado	Any policy area	Race and ethnicity (no specified groups), sex, gender identity, sexual orientation, disability, geography or “other relevant characteristics for which data is available”	Imposed maximum limit of 20 requests per legislative session. Only the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate can make requests (five for each session).
Illinois	Criminal legal system, education, commerce, and economic development	Race and ethnicity (no specified groups)	Produced upon request of any member of the legislature.
Maine	Any policy area	Unclear	Upon request of a legislative committee.
Virginia	Criminal legal system	Race and ethnicity (no specified groups)	Imposed maximum of six requests per legislative session. Only the chair of the House Committee for Courts of Justice or the chair of the Senate Committee on the Judiciary may request statements (three for each session).
Maryland	Criminal legal system	Race and ethnicity ⁷⁷	Any bill that could affect the criminal justice system triggers a statement
Minnesota	Criminal legal system	Race and ethnicity, gender, judicial district	Any bill that meets one of a number of “significance thresholds” triggers a statement. A legislator may also request a statement on a proposed bill.
Florida	Criminal legal system	Unclear	Bills heard by Senate Criminal Justice Committee. A member of the legislature makes a request to the Office of Program Policy Analysis and Government Accountability.
Local Governments			
Washington, D.C.	Any policy area	Race and ethnicity – “particularly for persons of color and Black residents” ⁷⁸	Produced for most legislation that will be considered by the D.C. City Council – excluding proposed resolutions, emergency legislation, temporary legislation, or certain types of permanent legislation. ⁷⁹

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⁷⁶ Senate Bill 256, 2018 Biennium, Reg. 2018 Sess. (Conn. 2018). <https://www.cga.ct.gov/2018/act/pa/2018PA-00078-RO0SB-00256-PA.htm>

⁷⁷ Maryland’s model was not initially authorized by legislation as it was in other state or local jurisdictions, so bill language could not be reviewed to determine any intended/prescribed definitions of “minority” persons. Determination based on a review of published Racial Equity Impact Notes (REIN): Department of Legislative Services. (n.d.). *Racial Equity Impact Notes*. <https://dls.maryland.gov/about-us/racial-equity-impact-notes>

⁷⁸ Code of the District of Columbia Chapter 14B, Section 2–1471.01. <https://code.dccouncil.gov/us/dc/council/code/sections/2-1471.01>

⁷⁹ D.C. CORE. (n.d.). *How to Request a REIA*. <https://www.dcraciaequity.org/how-to-request-a-reia>

State/ Locality	Policy Area(s)*	Minority Populations of Interest*	Eligibility for Review Criteria*
Montgomery County, Maryland	RESJ Impact Statements: All policies and zoning amendments Supplemental Appropriations REIAs: All supplemental/special appropriation requests	RESJ Impact Statements: Race and ethnicity Supplemental Appropriations REIAs: Unclear – undefined	RESJ Impact Statements: Any policy being considered by Montgomery County Council. Supplemental Appropriations REIAs: Any appropriations request made by Montgomery County Council.
King County, Washington⁸⁰ (testing)	Any policy area	Race, class, gender, and languages spoken are the factors that impact access to determinants of equity. (However, assessments are intended to evaluate equity impacts on all protected classes.) ⁸¹	In theory, any policy being considered by the King County Council. However, there are ongoing discussions about whether the eligibility criteria should be revised based on resource limitations, timing, and limitations on data. ⁸²

* Information was sourced from the language in the authorizing legislation/policy unless otherwise indicated. See Table 1 footnotes for citations to authorizing legislation/policy.

Included Policy Areas

Most of the state models limit the bill eligibility to those impacting their jurisdiction’s criminal legal systems. Only Illinois, Connecticut (after a 2018 amendment), and Maine (which still appears to be in an exploratory pilot phase) extend eligibility to other policy areas. In contrast, the local government models make all policies eligible for equity analyses.

“Minority” Populations of Interest

As for whom governments include in their definition of a “minority,” all state models include racial and ethnic groups though some extend the definition to include other historically marginalized populations – including Colorado (sex, gender identity, sexual orientation, disability, geography or “*other relevant characteristics for which data is available*”), Minnesota (gender), and Iowa and Oregon (gender and persons with disabilities).

Bill Eligibility for Equity Impact Assessment

Most states stipulate that equity analyses must be requested by one or more legislators, sometimes only permitting legislators in certain senior roles to make requests (a “request” mechanism). Only three states have established a mandatory “trigger” mechanism for legislation meeting certain criteria (e.g., for Iowa, New Jersey, and Minnesota – any bill that could potentially impact incarcerated population levels). However, request mechanisms introduce the risk of equity impact assessments being co-opted as a partisan tool to impede legislation that may be considered unfavorable by one of the parties – which may either limit or increase their use. For example, Nielson (2023) – which evaluates the equity impact assessment models established in eight states – found that although equity impact assessments were enacted on partisan lines as a seemingly Democratic-led initiative in Colorado, Demographic Notes (what Colorado calls its equity impact assessments) have been largely requested by Republicans in the state’s Democratic-controlled legislature, even though they originally opposed the initiative.⁸³

⁸⁰ Interview with government staff; review of informational materials provided by staff about the equity assessment model being tested.

⁸¹ Protected classes defined in King County Code Section 2.10.210.B. https://aqua.kingcounty.gov/council/clerk/code/05_Title_2.htm#_Toc51932402

⁸² Information shared by government staff.

⁸³ Nielson (2023).

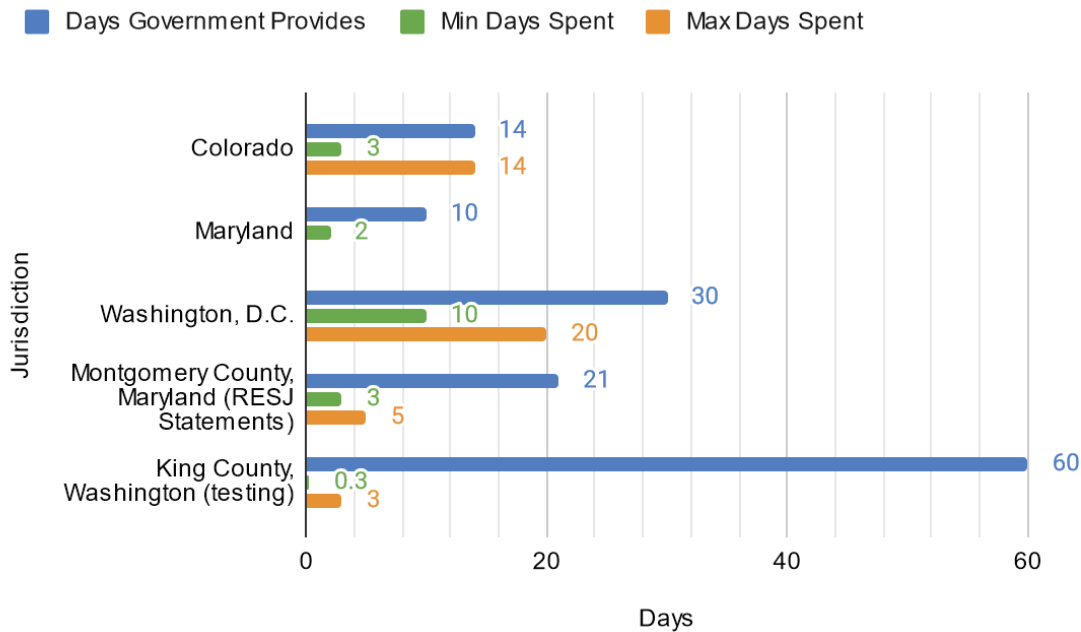
Additionally, some states impose a request maximum per legislative session (e.g., Colorado imposes a 20-request maximum, while Virginia imposes a six-request maximum per session). The low quantity of reports produced at the state level can be attributed almost entirely to most states having chosen a “request” mechanism to authorize equity impact assessment for legislation.⁸⁴

In contrast, all local government models require assessments to be produced on most if not all policies that could be considered by their Councils (have adopted a “trigger” mechanism).

Time Allocations for Producing Equity Assessments

The time that governments provide staff to produce a report ranges from 10 days to three months (Table 3 and Graph 2). However, on average, the time required to produce a report can range from two to more than 20 days. Staff often work on multiple reports simultaneously with staggered and overlapping deadlines. Moreover, a single report often changes multiple hands – with one staff member dedicated to researching and drafting a report and at least one reviewer providing feedback and revisions.

Graph 2
Time Provided and Time Taken to Produce Assessments Varies by Jurisdiction



The legislative analysts for the King County Council – which have been testing versions of their Equity and Social Justice (ESJ) Legislative Analysis Methodology – typically have two to three months (two months more commonly) to review legislation, but how long an individual analyst takes to complete a report for a bill can vary from a few hours to a few days – depending on an individual’s familiarity with specific equity issues.⁸⁵ However, King County has not hired staff exclusively dedicated to producing equity assessments, and the Council’s legislative analysts have been tasked with producing assessments alongside their existing portfolio of work. Colorado’s full-time analyst takes three to 14 days to complete a Demographic Note depending on how familiar they are with the data required for the analysis and the complexity of the legislation (e.g., whether it is a single-issue bill). Similarly, D.C.’s analysts can take from 10 to over 20 days to complete an REIA.⁸⁶ Maryland’s Legislature does not mandate any specific deadlines though, in practice, the REIN unit sets an internal deadline to produce an REIN within 10 days. However, it takes from two days – for simple or reintroduced legislation – to weeks – for complex legislation – to produce an REIN.⁸⁷

⁸⁴ Interview with government staff; Nielson (2023); Strub Kabitz (2023).

⁸⁵ Interview with government staff.

⁸⁶ Interview with government staff.

⁸⁷ Interview with government staff.

Table 3
Where Equity Assessments Fit Into Legislative Timelines

State/Locality	Length of Legislative Session	When Assessments Are Authorized*	Time to Complete Assessment*
State Governments			
Iowa	Begins in January and extends 100 (even years) to 110 days (odd years).	Prior to debate on the floor after a bill moves out of committee, but legislators may request them at any point in the legislative process.	Unclear.
Connecticut	January to June (five months) in odd years. February to May (three months) in even years.	No later than 10 days after the deadline for the committee that introduced the bill to vote to report favorably under the joint rules of the House of Representatives and the Senate.	Not specified.
Oregon	Begins in January and extends 160 days in odd years and 35 days in even years.	Not specified.	Unclear.
New Jersey	Begins in January (even years); no length specified.	Prior to debate on the floor.	Not specified.
Colorado	Begins in January and extends 120 days.	Requests are not permitted in the last 21 days of a session. Notes may not be requested for appropriation bills.	Must be completed within 14 days.
Illinois	January to May 31.	Before the second reading in the bill's house of origin.	Must be completed within five calendar days, with extensions permitted for complex bills.
Maine	First regular session: Wednesday in December to third Wednesday in June. Second regular session: first Wednesday after the first Tuesday in January of the subsequent even-numbered year to the third Wednesday in April.	Not specified (only authorizes a pilot project).	Unclear.
Virginia	60 days in even years, 30 days in odd years (frequently extended to 45 days).	Not specified.	Not specified.
Maryland	Begins in January and extends 90 days.	Unclear.	No legislatively mandated deadline, but the REIN unit sets an internal deadline of 10 days with the option to extend.
Minnesota	Begins in January and extends 120 days.	Unclear.	Unclear: Statement to be completed no later than seven days before it must be submitted to the legislature. ⁸⁸
Florida	Begins in March and extends 60 days in odd years. The legislature can move the start date forward during even years.	Unclear.	Unclear.

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⁸⁸ Minnesota Sentencing Guidelines Commission (2017).

State/Locality	Length of Legislative Session	When Assessments Are Authorized*	Time to Complete Assessment*
Local Governments			
Washington, D.C.	Two-year sessions (“Council Periods”) held year-round with a few short recesses during the summer and winter/early spring.	After legislation is introduced.	Must be completed within 30 days after the public hearing closes/before committee hearing (formerly 10 calendar days before a committee hearing). Optional opportunity to complete a second/updated REIA within 10 calendar days before a committee hearing.
Montgomery County, Maryland	Year-round sessions with an August recess. ⁸⁹	RESJ Impact Statements: After legislation is introduced. Supplemental Appropriations REIAs: Unclear.	RESJ Impact Statements: Must be completed no later than seven days before the public hearing on each bill introduced by the council president and no more than 21 days after a bill sponsored by a councilmember is introduced. Supplemental Appropriations REIAs: Unclear.
King County, Washington (testing)	Year-round sessions.	When legislation is introduced or even prior to formal introduction if there is some certainty that it could be introduced in the near future.	Must be completed within two to three months; due one week prior to a committee hearing for a bill.

* Information was sourced from the language in the authorizing legislation/policy unless otherwise indicated. See Table 1 footnotes for citations to authorizing legislation/policy.

For the majority of states, legislative sessions convene in January, and committee hearings and floor actions typically span a monthlong period beginning in March and ending in April (**Table 3**).⁹⁰ Most states either do not specify or are unclear about when equity impact assessments should be requested/initiated. The few states specifying a timeframe stipulate that assessments be prepared when a bill has been voted out of committee and is being put forward to a full vote on the floor – in other words, when the legislature is seriously considering a bill.

Some local governments have more extended sessions – with sessions active year-round. The model that King County is testing would in theory require analysts to produce an assessment for all introduced legislation – recognizing that not all introduced legislation will be heard in committee. However, their assessments are not intended to provide in-depth analysis but to “provide preliminary information for councilmembers to consider whether additional work may be necessary to ensure distributional equity and process equity have been adequately addressed in developing the proposed legislation.”⁹¹

Identifying the most effective window of time to request equity assessments and for them to be completed requires weighing between key trade-offs. Having more time to complete an assessment on an earlier draft of the bill means that more changes will likely have occurred to the bill’s language that may not be accounted for in an assessment. However, waiting to receive a more final version of a bill would likely provide insufficient time to complete an assessment – resulting in either no assessment by default or a very poorly done and likely unreliable assessment. Some equity impact assessment models have found it challenging to accommodate amendments to proposed legislation – a common occurrence in the legislative process – given that they can happen so quickly (and be negotiated in nonpublic settings), yet dramatically alter the potential objectives and intended outcomes for proposed legislation. According to one interviewee, the volume of

⁸⁹ Conclusion drawn from reviewing past meeting agenda calendar on the Montgomery County Council website: Montgomery County Council. (n.d.). *Find Council Meetings and Agendas*. <https://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

⁹⁰ National Conferences of State Legislatures (2021).

⁹¹ Interview with government staff; Metropolitan King County Council. (2023). *King County Council Briefing 2023-B0027 ESJ Legislative Analysis Methodology_v1*. <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=6052806&GUID=A00AE2DE-B40D-49E8-9786-012350521CD5&Options=Advanced&Search=>

amendments to proposed legislation can often outpace the resources available to produce equity impact assessments on all amendments to proposed legislation.

D.C. CORE’s original model provided analysts 10 calendar days to produce an REIA, but it soon became clear that this was an “*untenable*” arrangement and the deadline was altered to allow assessments to be completed within 30 days. Within this extended timeframe, analysts produce REIAs for earlier versions of a bill, but the committees retain the option to request another REIA on the updated version of a bill 10 business days before a committee hearing. CORE analysts reserve the right to determine whether an updated REIA is warranted based on both the extent of the changes to the bill since it was introduced and staff capacity.⁹²

Universal Challenge: Access to Disaggregated Data

Both the literature and interviewees emphasized the importance of and challenges to having access to quality disaggregated data that allow them to draw sound conclusions about baseline outcomes of interest.

A few states have designated implementing entities that might have a minimum level of in-house access to the data necessary to support basic data analysis for equity impact assessments – including Oregon and Minnesota. Oregon’s Criminal Justice Commission serves as a criminal legal system data clearinghouse for the state, while Minnesota’s Sentencing Guidelines Commission (MSGC) monitors data on all felony sentences pronounced in Minnesota in a given year. Other states – including Iowa, Colorado, Connecticut, Illinois, Maryland, New Jersey, and Virginia – have mandated/designated relevant state agencies to cooperate with the offices they have tasked with producing equity impact assessments with access to the data necessary to produce them (**Table 1**). Similarly, local governments often rely on data that is provided at the discretion of their local agencies to support their analyses.⁹³

However, it is not a given that data that is accessible will also be suitable for equity analysis. As some of the literature explains, governments often have access to a large quantity of publicly available data, but much of that data is not adequately disaggregated for outcomes between different demographic groups and therefore insufficient to produce rigorous equity impact analyses.⁹⁴ Some of the governments relying on internal agency data have encountered similar challenges, because as Office of Management and Budget (2021) – a federal study to identify methods to assess equity – observed, while government agencies often collect and hold large quantities of data, they have not yet developed the structures, processes, or mechanisms to use that data to assess equity.⁹⁵

Consequently, some analysts that are provided access to internal agency data spend a significant amount of time evaluating data quality and wrangling data before it can be meaningfully used to support equity analyses, given that the data is not always otherwise ready to use. Assessing data quality and data cleaning is not only time intensive but also challenging skilled work. As some interviewees explained, data processing can take one day to one week before data is ready to be used for analysis in an equity assessment.⁹⁶ As a result, most equity impact assessments continue to rely on free publicly available data that is not adequately disaggregated.⁹⁷

For this reason, some government models include a “could not be determined” impact classification – Iowa⁹⁸, Illinois⁹⁹,

⁹² Interview with government staff.

⁹³ Interviews with government staff.

⁹⁴ de Souza Briggs, X., & McGahey, R. M. (2022). *Keeping promises while keeping score: Gauging the impacts of policy proposals on racial equity*. The Brookings Institution.

<https://www.brookings.edu/articles/keeping-score-measuring-the-impacts-of-policy-proposals-on-racial-equity/>; Mauer, M. (2007).

Racial impact statements as a means of reducing unwarranted sentencing disparities. *Ohio St. J. Crim. L.*, 5, 19. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/osjcl5&div=6&id=&page=>; McGahey et al. (2023); Strub Kabitz (2023).

⁹⁵ McGahey et al. (2023); Office of Management and Budget (2021).

⁹⁶ Interviews with government staff.

⁹⁷ Strub Kabitz (2023).

⁹⁸ Balu et al. (2022).

⁹⁹ House Bill 158 (Ill. 2021).

Colorado, Montgomery County, and D.C.¹⁰⁰ Maryland and Montgomery County produce assessments with what data is available but note in their assessment when there is not sufficient data to draw a definitive conclusion and describe what data would be needed to draw more definitive conclusions.¹⁰¹

To address this challenge, some (mostly local) governments have allocated resources to develop data tools and infrastructure that make data analysis more easily integrated into decision making – from identifying and monitoring outcomes to allocating budgetary resources based on equity determinations. King County has developed and maintained a data library of indicators across 14 identified determinants of equity¹⁰² – last updated, over a period of two years, and which is continually revised – that it uses to support departmental decision making at the executive level. It is also being used as a key reference to produce legislative equity impact assessments for legislation considered by the County Council – which King County is currently testing. Other key examples include New York City’s [Equitable Development Data Explorer](#), which is used to support racial equity assessments of proposed rezonings, and Los Angeles County’s [Equity Explorer Mapping Tool](#). Colorado’s legislative staff completed a systematic data inventory to identify what data would be available to support the production of their Demographic Notes prior to implementation.

Transparency & Efficacy of Equity Impact Assessments

Few states publish or otherwise make their equity impact reports publicly accessible, let alone provide constituents opportunity to engage in the review process. This is likely due to the small window of time usually provided during legislative sessions for bills to be introduced and considered by legislators. Only Colorado has developed a protocol for constituents to review and provide feedback during the production of its Demographic Notes. Oregon has also developed a similar process to make equity impact statements available to the public to provide feedback for the Criminal Justice Commission to consider and potentially incorporate into a revised statement.¹⁰³ New Jersey also makes its statements open to the public, but only during rulemaking¹⁰⁴. Whether these public review processes are substantively utilized has not been evaluated and is therefore indeterminate. Colorado’s public process for its Demographic Notes has yielded little community feedback.¹⁰⁵

Moreover, despite the urging of researchers and prominent advocacy organizations, including some that have been leading efforts to integrate equity analysis in government policymaking, all equity impact assessments are limited to being informative documents.¹⁰⁶ No provisions exist in authorizing legislation requiring legislators to amend or reject proposed legislation that impact analyses suggest could result in or contribute to existing social inequities. New Jersey is the only state that stipulates action that must be taken if a racial and ethnic impact statement identifies disparate impacts on racial and ethnic groups – and only during rulemaking.¹⁰⁷

In contrast, the D.C. Council has established a rule that bills that have been found by REIAs to have potential negative impacts will be placed on a “non-consent agenda” – meaning that a bill cannot advance to the next stage of development without Council members discussing the REIA findings and subsequently being subjected to a roll-call vote – while the REIA must be included in the bill’s committee report.¹⁰⁸ Moreover, REIAs have been used by D.C. Council members to inform votes on and propose amendments for city legislation. At least one REIA has also been cited in a court case.¹⁰⁹

¹⁰⁰ Based on review of published equity impact assessments for Colorado, Montgomery County, and D.C.

¹⁰¹ Based on review of their published equity impact assessments.

¹⁰² King County. (n.d.). *Determinants of equity and data tool*. <https://kingcounty.gov/en/dept/executive/governance-leadership/equity-social-justice/office-of-race-equity-social-justice/determinants-of-equity>

¹⁰³ Senate Bill 463 (Ore. 2013).

¹⁰⁴ Senate Bill 677. (N.J. 2018).

¹⁰⁵ Interview with government staff.

¹⁰⁶ Ellis (2021); Erickson, J. (2014). Racial impact statements: Considering the consequences of racial disproportionalities in the criminal justice system. *Wash. L. Rev.*, 89, 1425. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/washlr89&div=46&id=&page=>

¹⁰⁷ Senate Bill 677. (N.J. 2018).

¹⁰⁸ D.C. CORE. (n.d.). *Racial Equity Impact Assessments*. <https://www.dcraciaequity.org/racial-equity-impact-assessments>

¹⁰⁹ McGahey et al. (2023).

Relationship of Equity Assessments to Overall Legislative Deliberations

Equity impact assessments are treated as either:

- a standalone process that results in an independent report that will be considered alongside other materials like a fiscal report or bill analysis (e.g., Colorado, Maryland, Minnesota, Montgomery County (for legislation and zoning amendments), and D.C.) or
- a complementary assessment included as a subsection within a larger fiscal report or bill analysis (e.g., Iowa and Montgomery County [for Council supplemental appropriations requests]).

Based on a review of the assessments that were publicly accessible, equity impact assessments as a standalone process seemed to be more common. Some of the equity assessment models produce reports that conclude with a position about whether a piece of legislation will decrease, have no impact, or increase the equity of outcomes (e.g., Iowa, Maryland, Montgomery County, and D.C.). Montgomery County and D.C. are the only jurisdictions that are authorized to provide recommendations based on their assessment findings.¹¹⁰ However, in practice, D.C. CORE does not provide recommendations due to the time and staffing constraints that prevent it from developing “rigorous” and “well-informed” recommendations.¹¹¹ No models incorporate any formal guidance about how legislators should integrate the findings with other considerations – the assessments serve as informative documents.

This is consistent with the role that other impact assessment processes play in overall decision making.

The California Department of Finance’s Legislative Analysis branch produces independent [fiscal reports](#) that are included in the bill analyses for proposed legislation. Fiscal reports provide legislators information about the potential costs or savings resulting from proposed legislation and subsequently state a position of support or opposition based on whether expected costs fall within or exceed the planned expenditures in the governor’s annual budget. However, they do not provide guidance to legislators on how to weigh their findings among other legislative priorities.¹¹²

Similarly, environmental impact assessments (EIAs) provide decision-makers and the general public information about how proposed land use projects/developments could impact community and environmental health and state a position about whether a project should be approved, approved with mitigation measures, or denied. EIAs must also include mitigation measures to decrease negative impacts of projects that are likely to impact environmental and community health. But while EIAs need to consider “feasibility” in developing mitigation measures, CEQA does not prescribe a standardized process of identifying “feasible” mitigations. However, the consideration of “context” when developing mitigation measures is encouraged as a “best practice.”¹¹³

¹¹⁰ Rule 311 (c)(2) in the Rules of Organization and Procedure for the Council of the District of Columbia: D.C. Council Legislative Services Division. (n.d.). *Rules of Organization and Procedure for the Council of the District of Columbia*. https://lms.dccouncil.gov/downloads/LIMS/51944/Other/PR25-0001-REVISED_CP_25_Rules_as_of_10-3-23.pdf?Id=177828

¹¹¹ Information shared by D.C. CORE staff.

¹¹² Based on a review of sample fiscal reports found within the searchable archive published by the California Department of Finance Legislative Analysis branch: California Department of Finance. (n.d.). *Department of Finance Legislative Analysis Search*. <https://esd.dof.ca.gov/LegAnalysis/>

¹¹³ CEQA Portal. (n.d.). *Mitigation Measures*. CEQA Portal Topic Paper. <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>

OVERVIEW OF EQUITY IMPACT ASSESSMENT METHODS

The literature focused primarily on the structure and resourcing of existing legislative equity impact assessment models while providing limited commentary on the methods the models used to evaluate equity impacts. However, some of the government staff interviewed for this project assert that the methods used to assess the equity of legislation require more scrutiny because they are essential to developing a functional legislative equity impact assessment model. As they suggest, even adequately resourced models can produce assessments that do not adequately assess the equity of proposed legislation when they fail to incorporate key equity analysis methods.

Consequently, this section provides a more in-depth analysis of the methods used by equity impact assessment models based on the literature, interviews, and an original analysis of methods in the equity impact assessment toolkits from the literature review. It first articulates what constitutes equity analysis and describes the skills that are necessary to perform it. It then provides an original analysis of existing equity impact analysis methods described in the body of toolkits developed to facilitate equity analysis that were identified in the literature review – summarizing the key steps and guiding questions and analyzing the extent to which the key elements of equity analysis are included. Lastly, it discusses the extent to which established state and local legislative equity assessment models incorporate key elements of equity analysis within their own methods.

Equity Analysis

Equity analysis in policymaking is a process that evaluates the extent to which proposed policies have the potential to exacerbate – or enacted policies have exacerbated – inequities in opportunities and/or outcomes. Performing equity analysis requires an understanding of the current outcome trends across demographic groups and whether they indicate any disparities. It also requires understanding how proposed legislation could potentially impact current outcome trends – which requires knowledge of the factors that led to current outcome trends and how proposed legislation potentially either replicates and/or changes those factors.

Consequently, at minimum, equity analysis requires two key elements: (1) **an accurate assessment of baseline conditions (current outcome trends for different demographic groups)** for policy issues and communities that are affected by proposed legislation and (2) **informed reasoning about how those baseline conditions came to be** – without which there is little basis for understanding how baselines could be impacted by proposed legislation.

Equity Lens

Equity analysis and legislative analysis are distinct types of assessments that have different objectives and therefore produce different information – even though they incorporate some of the same methods. Legislative bill analysis focuses on defining the issues, providing legislative history – how proposed legislation relates to the existing framework of laws and policies – and identifying how proposed legislation will affect both the issues and the existing framework of laws and policies¹¹⁴ – all of which require some combination of legal and policy research and data analysis. But while data analysis and legal and policy research can support equity analysis, neither alone constitutes equity analysis. Equity analysis requires an additional skill set – what several interviewees have described as an “equity lens.”

¹¹⁴ Based on a review of sample California committee bill analyses.

While data analysis and legal and policy research can support equity analysis, neither alone constitutes equity analysis. Equity analysis requires an additional skill set – what several interviewees have described as an “equity lens.”

Exposure to Equity Issues & Understanding Root Causes

Equity lens thinking describes an approach to researching and analyzing information that contextualizes observed outcome trends by identifying their root causes and is the key skill required to complete equity analysis. While data analysis is often treated as a straightforward process leading to one objective conclusion, in practice, various conclusions can be drawn from data based on how it is contextualized by individuals and/or institutions. Arrington et al. (2024) – which outlines the necessary elements of healthy data analysis using an equity lens – explains that mainstream data analysis practices reinforce inaccurate narratives about marginalized communities because they fail to contextualize data.¹¹⁵ They explain that disaggregating data on outcomes for different racial and ethnic groups without providing context about why these outcomes exist can reinforce assumptions that certain racial and ethnic communities are historically and biologically predisposed to worse outcomes “*due to genetic and behavior flaws.*” In contrast, analyzing health data using a racial equity lens requires identifying the root causes of observed disparities in health outcomes rather than taking for granted that they are naturally occurring – which allows for the consideration of how historical policies and practices have impacted the access that certain groups have had to choices, opportunities, and resources that support good health.¹¹⁶

Equity lens thinking helps analysts better understand both which data is relevant to assess equity issues and how to use their understanding of root causes to contextualize their data analysis. Just as environmental scientists need to know what the current conditions are on the ground (e.g., drought conditions or types of land use designations) and the history that shaped those conditions (e.g., historic water use policies or land use zoning) before designing the appropriate study methods to evaluate environmental impact of proposed developments, equity analysts need to have an understanding of the social, economic, health, policy, and/or other “ground” conditions in different communities and the history that shaped them before they can identify context-appropriate approaches to evaluate the equity impacts of proposed legislation. This conclusion was corroborated by several interviewees that emphasized that equity lens thinking was the primary skill that they used in their work.

As for how people develop an “equity lens,” several interviewees explained that they developed equity lens thinking through personal exposure to equity issues. They emphasized that their advanced degrees, in subjects such as policy analysis and economics, were not as critical to their ability to perform equity analysis as the insight they gained about equity issues from their experiences of engaging directly with equity issues in different policy areas – through unique combinations of personal history, professional experiences engaging with communities experiencing those issues, and/or self-directed or mandated equity analysis training.¹¹⁷

Their accounts align with the claims that the literature makes about the role exposure to equity issues plays in producing quality equity assessments. Strub Kabitz (2023) asserts that, given that nearly every state legislature in the U.S. fails to reflect the demographics of its constituents, even with adequate funding and time, an equity impact assessment model that

¹¹⁵ Arrington, L. A., Kramer, B., Ogunwale, S. M., Harris, T. L., Dankwa, L., Knight, S., Creanga, A. A., & Bower, K. M. (2024). Interrupting false narratives: applying a racial equity lens to healthcare quality data. *BMJ Quality & Safety*. <https://qualitysafety.bmj.com/content/early/2024/01/12/bmjqs-2023-016612>

McFarling, U. L. (2021, February 23). 20 years ago, a landmark report spotlighted systemic racism in medicine. Why has so little changed? STAT.

<https://www.statnews.com/2022/02/23/landmark-report-systemic-racism-medicine-so-little-has-changed/>; Nelson, A. R. (2002). Unequal treatment: Confronting racial and ethnic disparities in health care. *Journal of the national medical association*, 94(8), 666. <https://pubmed.ncbi.nlm.nih.gov/25032386/>

¹¹⁶ Arrington et al. (2024).

¹¹⁷ Interviews with government staff.

relies exclusively on existing legislative staff may introduce “*experiential barriers*” to producing rigorous equity analyses. The pool of existing legislative staff may lack the relevant firsthand experiences or knowledge of specific policy problems to adequately assess the equity impacts of proposed legislation.¹¹⁸ While an equity assessment tool can provide analysts guidance about how to analyze equity impacts, tools alone may not be sufficient to support effective legislative equity analysis. Templates can guide analysts to look for certain information but cannot provide them with the acquired context knowledge about equity issues that would allow them to thoroughly consider the most critical, relevant, and nuanced equity implications of proposed legislation.

Equity lens thinking describes an approach to researching and analyzing information that contextualizes observed outcome trends by identifying their root causes.

The Hierarchy of Data & Equity Critiques of the Hierarchy

Evidence-based policymaking describes the process of using credible data sources as the basis for decision making in policy analysis and development. A common “hierarchy of evidence” places academic literature at the top as the strongest type of evidence; gray literature – which refers to information produced outside academic publishing channels, and can include white papers; reports produced by nongovernmental organizations; government documents and policy literature – and, lastly, news articles and community feedback. The strength of data as evidence is usually determined by whether it has undergone a “peer-review” process and is therefore assumed to include less bias.

However, health and data experts are increasingly critical of the “hierarchy of evidence” and assert that peer-reviewed literature can inadequately capture or omit entirely the experiences of marginalized communities, given the demographic composition of the academy. According to the National Center for Education Statistics, 73% of the 1.5 million faculty at degree-granting postsecondary institutions in the U.S. were white in 2021¹¹⁹, while the American Council on Education reports that almost 85% of U.S. academic department heads were white.¹²⁰ As health data experts explained in a Lancet commentary, “[t]oday, structural racism influences the data science workforce and the hierarchies within it, the datasets collected and who is represented within them, and the research questions pursued and prioritised.”¹²¹

A few interviewees explained that equity analysis work requires thoughtful consideration about how racial inequities in the higher education system (e.g., lack of proportional representation in the academy) can affect both what data is available to support equity analysis work and how accurately the outcomes for racial and ethnic groups are depicted and contextualized in that data.¹²² Consequently, they emphasized the need to be critical of which perspectives might be missing in the data sources at the top of the “hierarchy of evidence” and of leaning heavily on data in equity analysis work in general – an approach to data analysis that is central to equity lens thinking.

Overview of the Equity Impact Assessment Toolkits

That equity impact assessment remains a nascent formalized practice belies the fact that many assessment frameworks and tools have been developed to assess equity.¹²³ This section provides an overview and discussion of the common and notable features of equity impact assessment toolkits that were identified in the literature review to provide insight about what methods are currently being proposed and used to perform equity analyses.

¹¹⁸ Strub Kabitz (2023).

¹¹⁹ National Center for Education Statistics. (n.d.). *Race/ethnicity of college faculty*. Fast Facts. <https://nces.ed.gov/fastfacts/display.asp?id=61>

¹²⁰ American Council on Education. (n.d.). *Academic Department Heads, by Race and Ethnicity*. <https://www.equityinhighered.org/indicators/postsecondary-faculty-and-staff/academic-department-heads-by-race-and-ethnicity/>

¹²¹ Knight, H. E., Deeny, S. R., Dreyer, K., Engmann, J., Mackintosh, M., Raza, S., Stafford, M., Tesfaye, R., & Steventon, A. (2021). Challenging racism in the use of health data. *The lancet digital health*, 3(3), e144-e146. <https://www.thelancet.com/action/showPdf?pii=S2589-7500%2821%2900019-4>.

¹²² Interviews with government staff.

¹²³ Office of Management and Budget (2021).

The list of questions in each toolkit was collected and coded to identify questions of a similar nature that were then classified and organized into “Tool Feature” categories. The resulting feature categories and the count of toolkits that contained these features are presented in **Table 4**. (See **Table A.1. Equity Impact Assessment Toolkits** in the **Appendix** for the full list of toolkits included in the analysis.)

Most of the tools were organized into two formats: question guides or templates. The first tools were developed in the early 2010s. Some were designed by nongovernmental organizations, while others were developed by government staff. Some were designed to analyze policies generally, while others were adapted to specific issue areas (e.g., children and family services).

Table 4
Features of Equity Impact Assessment Methods: Toolkits

Tool Features Question Categories	Total Tools (27)	Legislative Tools (6) (Subset of Total Tools)
Identify baseline conditions for demographic groups (equity in outcomes)***	23	6
Identify and assess the necessary data for analysis	21	6
Identify root causes of disparate outcomes (equity it opportunities)***	11	4
Assess resources allocated for policy/program implementation and outcome monitoring and evaluation	13	2
Identify geographic scope of policy/program or areas of interest	9	1
Assess level of community involvement in policy development (process equity)	19	5
Identify potential measures to mitigate potential negative impacts/enhance positive impacts	15	1

***Features that correspond to the key elements of equity analysis.

Common Features

Almost all of the toolkits prompt users to identify and describe which groups would be most affected by issues related to the proposed policy/program, to assess current outcome trends (i.e., baseline conditions) for those groups, and to subsequently predict whether a policy/program would impact disparities based on data (e.g., agency/departmental performance data, academic research, or direct feedback from the community) (All: 23/27; Legislative: 6/6).

Most of the toolkits – including all of the tools developed specifically for legislative equity analysis – ask users to assess both the availability and quality of data to assess current outcome trends and to measure potential changes resulting from a policy/program (All: 21/27; Legislative: 6/6). They also ask users to evaluate the extent to which communities – particularly marginalized communities and/or those predicted to be most affected by a policy/program – were engaged in the development of the policy/program (a process equity question) (All: 19/27; Legislative: 5/6).

Many toolkits ask users to assess whether measures to either mitigate potential negative equity impacts or to enhance potential positive equity impacts were considered – though this was less common in the subset of tools designed for legislative decision making (All: 15/27; Legislative: 1/6). Some also ask users to assess whether resources will be provided for policy/program implementation and outcome tracking (e.g., what data could be used to monitor outcomes) – likely to gauge whether proposed policy/program will be adequately funded or otherwise resourced and therefore meaningfully implemented and the extent to which accountability measures have been incorporated into a policy/program (All: 13/27; Legislative: 2/6). The latter feature is pertinent because although enacted legislation can establish a right of access to an opportunity or service/benefit, having meaningful access to an opportunity or service/benefit often requires resources to develop the infrastructure (administrative or otherwise) to implement components of legislation that provide access. For example, CA SB 132 (2021) to establish “basic need centers” within the state’s community college system would not have

been effective had it not also included a \$100 million allocation (i.e., had it been an “unfunded mandate”).¹²⁴

Noteworthy Features

Some toolkits incorporate a screening mechanism to determine whether an equity assessment is necessary and/or recommended based on two factors: (1) whether a policy/program could affect specified determinants of equity and/or (2) the quality of available data required to support a credible assessment. The overall equity assessment process involves two stages: (1) screening – making a determination about whether a piece of proposed legislation is likely to impact any determinants of equity or “minority” populations of interest and therefore warrants an equity impact assessment – and (2) a full equity impact assessment. For example, even if a “screening” finds that proposed legislation does not affect any issues or populations that would trigger equity concerns and therefore does not require a full equity impact assessment, it has still technically undergone a (preliminary) equity assessment. (Because few toolkits included this feature overall, this feature was excluded from **Table 4**.)

Some toolkits include specific questions to identify specific geographies (e.g., districts or neighborhoods) – in addition to demographic groups – that could be disparately impacted by a policy/program. (All: 9/27; Legislative: 1/6) Because marginalized groups are sometimes concentrated in specific regions of a jurisdiction, regions can sometimes serve as a proxy for certain marginalized groups. Alternatively, including a question to evaluate outcome differences between geographic regions invites legislators to consider how potential outcomes for social groups within different regions intersect or diverge (e.g., Native Americans on reservations in rural Northern California versus Native Americans in Greater Los Angeles).

Fewer toolkits incorporate “**root cause analysis**” (RCA) – asking users to provide context to the disparate outcomes observed in data by discussing their known causes (All: 11/27; Legislative: 4/6). RCA describes the process of discovering and understanding the root causes of problems in order to identify and evaluate appropriate solutions – a method with dual origins. It emerged as a method to optimize production processes in the manufacturing industry during the 1900s¹²⁵ but also as a grassroots social science tool during the Civil Rights Era to support racial justice efforts by identifying systemic causes of discriminatory outcomes so that appropriate remedies could be advanced.¹²⁶ As a practice, it has become a problem-solving method used in a wide range of disciplines, including engineering, computer science, and healthcare administration.¹²⁷ It has also been incorporated in policy analysis and health equity work to identify the structural problems leading to health and other inequities.¹²⁸

Root cause analysis describes the process of discovering and understanding the root causes of problems in order to identify and evaluate appropriate solutions.

¹²⁴ Postsecondary education trailer bill, AB 132, 117th Cong. (Cal. 2021). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB132

¹²⁵ University of Massachusetts, Amherst. (2023, March 7). *What is Root Cause Analysis? Process, Example & Everything You Need to Know*. <https://bootcamp.umass.edu/blog/quality-management/what-is-root-cause-analysis-and-what-does-it-do>

¹²⁶ Baker, Ella. (1969). *The Black Woman in the Civil Rights Struggle*. In the Archive of Women’s Political Communication at Iowa State University. <https://awpc.cattcenter.iastate.edu/2019/08/09/the-black-woman-in-the-civil-rights-struggle-1969/>; Speech given by Ella Baker at the Institute of the Black World, Atlanta, Georgia, on December 31, 1969.

¹²⁷ Peerally, M. F., Carr, S., Waring, J., & Dixon-Woods, M. (2017). The problem with root cause analysis. *BMJ quality & safety*, 26(5), 417-422. <https://doi.org/10.1136/bmjqs-2016-005511>

Rooney, J. J., & Heuvel, L. N. V. (2004). Root cause analysis for beginners. *Quality progress*, 37(7), 45-56.

https://edisciplinas.usp.br/pluginfile.php/4603298/mod_resource/content/1/Quality%20progress%20Root_Cause.pdf; Science Direct. (n.d.). *Topics: Root Cause Analysis*. <https://www.sciencedirect.com/topics/neuroscience/root-cause-analysis>; Williams, P. M. (2001).

Techniques for root cause analysis. In *Baylor University Medical Center Proceedings* 14(2), 154-157. Taylor & Francis. <https://www.tandfonline.com/doi/pdf/10.1080/08998280.2001.11927753>

¹²⁸ Advancing Health Equity. (n.d.). *Root Cause Analysis*. <https://advancinghealthequity.org/roadmap-to-ahe/diagnose-root-causes/>; Wagner, T. P. (2014). Using root cause analysis in public policy pedagogy. *Journal of Public Affairs Education* 20(3), 429-440. <https://doi.org/10.1080/15236803.2014.12001797>

The Equity Analysis Methods Used in Current Government Models

This section discusses the equity assessment methods that are utilized by current government equity impact assessment models based on a review of a sample of the most recently produced assessments for each model (**Table 6**). Only five government equity impact assessment models with published/shared assessments were analyzed because the assessments for the other government models were unpublished/not easily accessible (**Table 5**).

Table 5
Methodology, Quantity & Accessibility of Assessments

State/ Locality	Methodology*	Quantity of Assessments	Publicly Accessible
State Governments			
Iowa	Identifies specific data points to be included in statements: <i>“The statement shall include information concerning the estimated number of criminal cases per year that the legislation will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the legislation on minorities, the impact of the legislation upon existing correctional institutions, community-based correctional facilities and services, and jails, the likelihood that the legislation may create a need for additional prison capacity, and other relevant matters... and if possible, provide a reasonable estimate of both the immediate effect and the long-range impact upon prison capacity.”</i>	~200 statements produced since 2008. ¹²⁹	No
Connecticut	2008 bill: Broad and unspecified language surrounding data collection. 2018 amendment: <i>“The joint standing committee of the General Assembly [on judiciary shall] having cognizance of matters relating to government administration may make recommendations for a provision to be included in the joint rules of the House of Representatives and the Senate concerning the procedure for the preparation of such racial and ethnic impact statements, the content of such statements and the types of bills and amendments with respect to which such statements should be prepared.”</i> <i>Currently developing a more formal equity assessment process.</i> ¹³⁰	“Few” reports produced. ¹³¹	No
Oregon	Identifies specific data points to be included in statements: <i>“Oregon Criminal Justice Commission shall prepare a racial and ethnic impact statement that describes the effects of a state measure on the racial and ethnic composition of:</i> <i>a) The criminal offender population, as defined in section 1 of this 2013 Act;</i> <i>or</i> <i>(b) Recipients of human services...”</i> <i>“...must include, for racial and ethnic groups for which data are available, the following:</i> <i>(a) An estimate of how the proposed legislation would change the racial and ethnic composition of the criminal offender population or recipients of human services;</i> <i>(b) A statement of the methodologies and assumptions used in preparing the estimate; and</i> <i>(c) If the racial and ethnic impact statement addresses the effect of proposed legislation on the criminal offender population, an estimate of the racial and ethnic composition of the crime victims who may be affected by the proposed legislation.”</i>	“Few” reports produced. ¹³²	No

Continued on next page

¹²⁹ Nielson (2023).

¹³⁰ Interview with government staff that has been consulted by the staff from these jurisdictions for this purpose.

¹³¹ Nielson (2023).

¹³² Nielson (2023).

State/ Locality	Methodology*	Quantity of Assessments	Publicly Accessible
New Jersey	Identifies specific data points to be included in statements: <i>“The racial and ethnic community criminal justice and public safety impact statement... shall include, but not be limited to, an assessment of the potential impact of the proposed legislation on racial and ethnic minorities, including whether it is likely to have a disproportionate or unique impact on the racial and ethnic communities in the State and the rationale, if any, for the proposed legislation having an identifiable impact on racial and ethnic persons in this State, a statistical analysis of how the change in policy would affect racial and ethnic minorities, the impact of the change in policy on correctional facilities and services for racial and ethnic minorities, and the estimated number of criminal and juvenile justice matters involving racial and ethnic minorities adjudicated each year, and the anticipated effect of the change in policy on public safety in racial and ethnic communities in the State and for victims and potential victims in those communities.”</i>	One report produced since 2018. ¹³³	No
Colorado	Not prescribed by authorizing legislation. Methodology developed by Legislative Council Staff in consultation with experts in equity analysis, PEW Charitable Trusts (Health Impact Project – “Health Notes”), and legislative leadership.	10 Demographic Notes produced since 2021. ¹³⁴	Yes
Illinois	Identifies specific data points to be included in statements: <i>“Each racial impact note must include, for racial and ethnic minorities for which data are available: (i) an estimate of how the proposed legislation would impact racial and ethnic minorities; (ii) a statement of the methodologies and assumptions used in preparing the estimate; (iii) an estimate of the racial and ethnic composition of the population who may be impacted by the proposed legislation, including those persons who may be negatively impacted and those persons who may benefit from the proposed legislation; and (iv) any other matter that a responding agency considers appropriate in relation to the racial and ethnic minorities likely to be affected by the bill.”</i> <i>“...it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure on racial and ethnic minorities.”</i>	Unknown.	No
Maine	No authorizing legislation. Pilot authorized to study best methods.	Unknown.	No
Virginia	None specified/vague suggestion: <i>“Disparities” means the difference in criminal justice outcomes for a racial or ethnic subgroup compared to their share of the state population.”</i>	Unknown.	No
Maryland	No authorizing legislation. Methodology was developed over three years (beginning in 2021) focused on statistical comparisons of the projected racial composition of criminal legal system outcomes relevant to proposed legislation and racial composition of the general population.	73 REIN produced since 2021 (2021: 12*, 2022: 15, 2023: 46). ¹³⁵ *includes one note analyzing several bills as a package.	Yes

Continued on next page

¹³³ Nielson (2023).

¹³⁴ Legislative Council Staff, Colorado General Assembly. (n.d.). *Previous Session Demographic Notes*. <https://leg.colorado.gov/agencies/legislative-council-staff/previous-session-demographic-notes>

¹³⁵ Department of Legislative Services (n.d.).

State/ Locality	Methodology*	Quantity of Assessments	Publicly Accessible
Minnesota	Identifies specific data points to be included in statements. Formalized Process (2015) “(1) the statement shall present in a table the percentage breakdown by demographic group over the past 3 to 5 years, the state general population, the state felony population, and the state prison population. Additionally, (2) the statement may express a limited opinion that estimates the number of offenders and prisoners by demographic group that may be convicted and imprisoned under the new crime bill if enacted and percentage change when compared to the prior years in the table, provided that the opinion has foundational reliability and the underlying scientific evidence is generally accepted in the relevant scientific community within the meaning of Minnesota Rule of Evidence 702. Put differently, the before-and-after demographic group comparison will compare the numbers and percentage by demographic group, as used herein, of the prior felony and prison populations on the one hand, and the new felony and prison population estimates on the other hand, provided that such estimates can be calculated in a manner that satisfies Rule 702.”	38 Demographic Impact Statements produced since 2008. ¹³⁶	Yes
Florida	Unclear.	Unknown.	No
Local Governments			
Washington, D.C.	Not prescribed by authorizing legislation. Racial Equity Impact Assessment (REIA) methodology developed and modified iteratively beginning in 2021.	247 REIAs produced since 2020 (2021: 24, 2022: 134, 2023: 77, 2024: 12). ¹³⁷	Yes
Montgomery County, Maryland	RESJ Impact Statements: Not prescribed by authorizing legislation. Method/template developed beginning in 2019 with direction/guidance by Dr. Elaine Bonner Tompkins, a Senior Legislative Analyst at the Office of Legislative Oversight. Supplemental Appropriations REIAs: Not prescribed by authorizing legislation. Unclear – most likely at the discretion of individual central Council staffers responsible for producing statements.	RESJ Impact Statements: 171 RESJ impact statements produced since 2021 (2021: 55, 2022: 46, 2023: 57, 2024: 1). ¹³⁸ Supplemental Appropriations REIAs: Fewer than 20 statements produced since 2021. ¹³⁹	RESJ Impact Statements: Yes Supplemental Appropriations REIAs: No
King County, Washington (testing)	No authorizing legislation. The ESJ Legislative Analysis Methodology was developed in 2018 – based on the King County Equity Impact Review (EIR) Tool ¹⁴⁰ – and remains in the testing phase.	Test assessments produced for approximately 20 to 30 pieces of proposed legislation since 2018. ¹⁴¹	No – <i>While testing.</i> Yes – <i>Once implemented.</i>

* Information was sourced from the language in the authorizing legislation/policy unless otherwise indicated. See Table 1 footnotes for citations to authorizing legislation/policy.

The tools developed by nongovernmental entities – such as Race Forward and GARE – have been influential and widely adapted by various local governments developing models to implement equity analysis in both executive and legislative level decision making. Most of the toolkits and methods developed by and for governments contained many of the features of the toolkits developed by GARE. GARE’s national network of jurisdictions includes over 200 cities and 66 counties, and

¹³⁶ Minnesota Sentencing Guidelines Commission. (n.d.). *Reports: Demographic Impact Statements*. <https://mn.gov/sentencing-guidelines/reports/>

¹³⁷ D.C. CORE. (n.d.). *REIA Database*. <https://www.dcraciaequity.org/reia-database>

¹³⁸ Office of Legislative Oversight. (n.d.). *Racial Equity and Social Justice, Economic Impact Statements, and Climate Assessments*. <https://www.montgomerycountymd.gov/OLO/impact-statements.html>

¹³⁹ Information shared by an analyst from the Office of Legislative Oversight.

¹⁴⁰ King County. (2015). *2015 Equity Impact Review Process Overview*. https://cdn.kingcounty.gov/-/media/elected/executive/equity-social-justice/2016/The_Equity_Impact_Review_checklist_Mar2016.ashx

¹⁴¹ Information shared by government staff.

some of the governments with equity impact assessment models that were included in this paper are members of this network or have otherwise collaborated with GARE in some capacity.¹⁴²

Table 6
Features of Equity Impact Assessment Methods: Current Models*

Tool Features Question Categories	Colorado	Minnesota	Maryland	Montgomery County	King County	D.C.
Identify baseline conditions for demographic groups (equity in outcomes) ***	X	X	X	X	X	X
Identify and assess the necessary data for analysis***	X	X	X	X	X	X
Identify root causes of disparate outcomes (equity it opportunities)***			X	X		X
Assess resources allocated for policy/program implementation and outcome monitoring and evaluation						X
Identify geographic scope of policy/program or areas of interest				X		X
Assess level of community involvement in policy development (process equity)				X	X	X
Identify potential measures to mitigate potential negative impacts/ enhance positive impacts				X		

*The findings in this analysis do not claim that these method features are consistently present in every equity assessment produced by the government models analyzed – only that they were consistently present in the sample of assessments reviewed for each government model analyzed.

***Features that correspond to the key elements of equity analysis.

Common & Noteworthy Features in Current Models

Few of the current government equity impact assessment methods included screening mechanisms, because the question of whether an assessment should be performed were predetermined by authorizing legislation/policy that prescribed a set of criteria for determining whether a bill would be eligible for review. Those that incorporated a screening mechanism included King County and Colorado. King County includes a preliminary equity screening mechanism for determining whether a full equity impact assessment needs to be produced for proposed legislation based on whether it could affect any designated “determinants of equity.” Colorado’s analyst may decline to produce a Demographic Note if there is not enough data to support a meaningful assessment.

Colorado – which assesses bills for other policy areas – is the only state whose model explicitly lists “geography” as a “minority” class (classified as one of the “disparities” of interest in the bill language) in its authorizing legislation.¹⁴³ D.C. is the only other jurisdiction that includes in its assessment method a question to consider the impact proposed policies could have on specific areas within the District.

D.C. is also the only jurisdiction whose method involves assessing whether a proposed measure will be adequately resourced and/or includes provisions that enable its intended outcomes to be monitored over time.

Few equity impact assessment models inquire about the level of community engagement that contributed to a bill’s development. Only local level governments – including King County, Montgomery County, and D.C. – include questions

¹⁴² GARE Active Jurisdictions Map. Government Alliance on Race & Equity. <https://www.racialequityalliance.org/where-we-work/jurisdictions/>

¹⁴³ House Bill 19-1184 (Colo. 2021).

in their assessment templates gauging the extent to which community members – particularly those likely to be most impacted by a measure – were involved in policy development.

Lastly, various models' assessments conclude with a discussion outlining whether and how proposed legislation could negatively impact certain demographic groups (e.g., D.C., Montgomery County, Maryland, and Colorado). However, two models also conclude their assessments with definitive impact classifications for assessed legislation that also included a classification for legislation that could potentially decrease disparate outcomes (i.e., increase equity) – D.C. and Montgomery County.

Assessing Baseline Outcome Trends & Data Availability and Quality

The authorizing legislation/policy for most state and local government models prescribe specific data points that should be included in an equity impact assessment (**Table 5**). Whether the staff/bodies designated to produce the assessments were provided meaningful access to data to make that possible is another matter (See **Universal Challenge: Access to Disaggregated Data** in **Overview of Current Equity Impact Assessment Models**).

Every equity impact assessment model that was analyzed included questions in their assessment methods and/or discussions in completed assessments that identified the baseline outcome trends for demographic groups of interest that would be impacted by proposed legislation. Similarly, all models included questions and/or discussions about the quality of the data being used to draw conclusions.

Identifying the Causes of Outcome Trends: Root Cause Analysis

Only D.C., Montgomery County, and Maryland's assessments incorporated discussions about the root causes of any observed outcome disparities in their equity impact assessments.¹⁴⁴ Some of Colorado's Demographic Notes included a general acknowledgment about the historical context behind some outcome disparities discussed in the data analysis: *"It is important to note that economic and health disparities such as those discussed here have multiple and interacting causes, including not only individual behavior and choices, but also historical and structural factors that can shape or constrain individual choices and distribute economic and other opportunities unevenly to individuals on the basis of their membership in particular demographic groups."*¹⁴⁵ However, the presence of this acknowledgment varied across Demographic Notes.

Although it is a key equity element in equity analysis, root cause analysis does not seem to be common in government equity impact assessment models. However, this outcome is somewhat expected. Equity analysis has often been and is increasingly considered a "partisan" practice. For example, in her evaluation of eight state-level equity impact assessment models, Nielson (2023) found that while support for state level legislative impact assessments was "remarkably bipartisan" prior to 2019, racial impact statement legislation introduced after 2019 has been passed almost strictly along party lines.¹⁴⁶ Some interviewees' experiences evaluating what should be included in published equity impact assessments support this conclusion. One interviewee expressed concerns that efforts to accurately attribute present day outcomes to specific historical policies could be dismissed as "biased" reasoning – particularly when some "root causes" are still disputed as legitimate explanations for observed disparity outcomes and therefore not commonly accepted fact. For example, while the role racism has played in predatory¹⁴⁷ tobacco marketing practices within communities of color has become commonly accepted fact in recent years, other phenomena – such as the role that racism has played in exclusionary housing and

¹⁴⁴ D.C. CORE. (n.d.). *How to Design Racially Equitable Legislation for Residents of the District of Columbia*. <https://static1.squarespace.com/static/5ffa2eb4a24aef1e5b91c0d6/t/60d0cc7145694b3086473cbf/1624296562097/Designing+Racially+Equitable+Legislation+Toolkit+-+Fillable+PDF.pdf>; Montgomery County Office of Legislative Oversight. (2023). *Racial Equity and Social Justice (RESJ) Project Methodology Tool*. <https://www.montgomerycountymd.gov/OLO/Resources/Files/OLO-RESJ-ProjectTool.pdf>

¹⁴⁵ Ramey, E. (2021). *Final Demographic Note: HB 21-1232*. Legislative Council Staff. https://leg.colorado.gov/sites/default/files/images/lcs/house_bill_21-1232_-_demographic_note_-_final.pdf

¹⁴⁶ Nielson (2023).

¹⁴⁷ Public Health Law Center at Mitchell Hamline School of Law. (2021). *The Tobacco Industry & the Black Community*. <https://www.publichealthlawcenter.org/sites/default/files/resources/Tobacco-Industry-Targeting.pdf>

employment policies and the potential downstream effects it may have had on racial disparities in incarceration rates – may not have yet passed this threshold and therefore are refuted as having any impact on, let alone being a “root cause,” of any outcome disparities.¹⁴⁸ Moreover, which “root causes” are accepted as fact can vary across different jurisdictions – based on both the political landscape within the legislature and the general population.

Consequently, analysts must engage in the politically fraught process of guessing which “root causes” might be perceived as “bias” rather than fact based on the shifting political context of their legislative environment. Some government staff have felt that their efforts to engage in root cause analysis actually conflict with the need for their work to be perceived as nonpartisan. One interviewee discussed navigating this tension while weighing the political feasibility of incorporating root cause analyses into their assessment methods. There was uncertainty over whether root causes should be discussed and whether to limit predictions to direct and immediate rather than also including indirect and longer-term equity impacts (i.e., “dynamic impact analysis”) in their analyses. With the integrity of their office’s reputation as a nonpartisan agency in mind, they ultimately decided not to directly discuss root causes in their assessments. As they explained, “*The state of research and what’s accepted is so in flux.*”

Some jurisdictions appear to discourage consideration of the causes of disparate outcomes in their equity impact assessments. Minnesota’s authorizing policy (which focuses on assessing criminal legal legislation) stipulates that assessments include no comment on “*the cause of any potential disparate demographic impact that may be identified within the statement.*”¹⁴⁹ Their Demographic Impact Statements’ predictions about how legislation could alter the racial and gender composition of the existing incarcerated population rely solely on (1) the projected increase/decrease in prison beds expected from proposed legislation – a figure estimated in their fiscal reports – and (2) statistics on the demographic composition of individuals that were arrested/sentenced for a crime or crimes related to/affected by proposed legislation in a previous year. They omit discussions about how or why a piece of legislation could potentially differentially impact different demographic groups.¹⁵⁰

In an effort to ensure that equity analyses remain or at least appear unbiased, some government equity impact assessment models seem to rely exclusively on data analysis without providing context as to what may be causing the outcome trends reflected in the data (e.g., Iowa and Minnesota). However, as some government staff have stated, data analysis alone does not constitute equity analysis. Moreover, as some government staff further emphasized, because decontextualized or improperly contextualized data have been used, and arguably weaponized, in the past to harm the very communities that are meant to be served by implementing legislative equity impact assessments, it is important to be critical about the limits of what data without more context knowledge can illuminate. A key example of past harm includes how, as some health data experts explain, the “*discipline of statistics played a pivotal role in the development and justification of race science (i.e., the claim that there is an evolutionary basis for inequalities in social outcomes between racial groups), which has been used to justify slavery, discrimination, and racist ideologies.*”¹⁵¹

Summary: Quality of Current Legislative Equity Impact Assessment Models

Most governments with legislative equity impact assessment models did not publish or make their equity assessments easy to find, and therefore the content and quality of their assessments could not be analyzed. The government models that made their assessments **publicly accessible** produced **detailed equity assessments**.

Of the smaller number of government models that published their equity assessments, only some incorporated both elements of equity analysis – (1) an assessment of baseline outcome trends for demographic groups of interest and (2) informed reasoning about the factors causing the observed baseline outcome trends – in their assessments. The government models that produced detailed equity assessments that included both key elements of equity analysis include

¹⁴⁸ Interview with government staff.

¹⁴⁹ Minnesota Sentencing Guidelines Commission (2017).

¹⁵⁰ Based on a review of sample published Demographic Impact Statements.

¹⁵¹ Knight et al. (2021).

D.C., Montgomery County, and Maryland. Colorado also produced detailed equity assessments – though fewer in number than D.C., Montgomery County, and Maryland (governments that hired more dedicated independent staff to complete assessments).

*The government models that produced detailed equity assessments that included both key elements of equity analysis include **D.C., Montgomery County, and Maryland.***

Notably, with the exception of Minnesota, all models that were analyzed were not bound by a legislatively prescribed method and were authorized to develop their methods over time (**Tables 5 & 6**). Maryland, Colorado, Montgomery County, and D.C. were provided the time and resources to gradually develop equity impact assessment methods and procedures. Maryland developed its REIN procedure over three years – growing from one temporary staff person in 2021 to a five-full-time staff unit. Similarly, D.C. developed its procedure over three years since its inception in 2021, which it continues to iteratively improve. Colorado developed its template over four to six months in 2019 – in part by consulting experts in equity analysis and PEW Charitable Trusts, who were then piloting their own health-related legislative equity assessment model.¹⁵²

In considering these results, it is important to acknowledge the possibility that not all governments that established a legislative equity impact assessment model share the same definitions of “equity” and “equity analysis” as the ones grounding the analysis in this paper. They may have different conceptions of equity and therefore have set different objectives for what their assessments are meant to produce – which may be reflected in the methods and, ultimately, the content of the assessments.

¹⁵² Interviews with government staff.

FINDINGS: ESSENTIAL FEATURES OF LEGISLATIVE EQUITY ANALYSIS

Essential Features of Legislative Equity Analysis

Based on a review of the existing academic and gray literature on legislative equity analysis, interviews with government staff performing and/or supporting legislative equity impact assessments, and an analysis of common features and methods in the toolkits that have been developed to facilitate equity analysis in government work, effective equity assessment models require three elements – two of which are resource related and one of which is methodological:

1. **reliable disaggregated data on relevant outcomes of interest,**
2. **the resources to complete the work, and**
3. **a cultivated “equity lens” to interpret and contextualize data.**

Many of the state models have produced fewer than a handful of publicly accessible assessments, which seems to reflect that many of them do not have all three required elements. The most promising models have been developed by **D.C., Montgomery County, and Maryland.**

Disaggregated Data on Outcomes

Consistent access to the reliable disaggregated data necessary to complete assessments is a near universal challenge that all jurisdictions implementing equity assessment models face and that few (primarily at the local level) – including King County, Washington, and Dallas, Texas, which developed data libraries for this purpose – have devoted resources to begin proactively addressing.¹⁵³

Adequate Resourcing

The governments with the most effective models have hired additional staff to implement assessments. The only jurisdictions that have hired dedicated staff to complete assessments – Colorado, D.C., Maryland, and Montgomery County – produce the highest quantity and most detailed assessments.

While the fiscal analysis of H.R. 39 asserted that legislative equity impact analysis would not generate any implementation costs because it would be performed by existing committee consultants in their respective policy areas¹⁵⁴, the evidence from the literature and interviews suggests that it would be challenging to implement a functional legislative equity impact assessment model without the support of more staff specifically dedicated to producing equity assessments. Relegating the task entirely to committee staff that are already managing full portfolios and who may not have the necessary training to conduct equity analyses may suffice as a transitional option while the legislature identifies a more effective way to institutionalize legislative equity analysis. However, all evidence suggests it will likely not produce any meaningful legislative equity analysis in the immediate or long term.

For perspective, other types of impact assessment work – including fiscal analysis and environmental impact assessments – are most often performed by dedicated staff and specialized office units or are entirely contracted out to external entities with the specialized training and expertise to conduct these activities. To accommodate the resource needs necessary to oversee legislative fiscal analyses, the federal government created an entirely new federal office – the CBO – while simultaneously establishing new Congressional bodies – the House and Senate Budget Committees – to execute this work in the 1970s.

¹⁵³ City of Dallas. (n.d.). *Dallas Equity Indicators*. <https://dallascityhall.com/departments/pnv/dallas-equity-indicators/Pages/themes.aspx>

¹⁵⁴ Assembly Committee on Rules. (2021). H.R. 39 Bill Analysis. California Legislative Information. https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220HR39#

Without more robust infrastructure, legislative equity impact assessment is likely to be a fleeting feature of government work. This lesson can be gleaned from an earlier and lesser known effort at the state’s agency level to embed equity assessment in health-related program and policy implementation. In 2005, a consortium of health-related state agencies created the (now defunct) California Work Group to Eliminate Disparities and Disproportionality (WGEDD) to make recommendations to improve the quality of health services and health equity outcomes in California. Part of its work resulted in the creation of a racial impact assessment tool in 2012.¹⁵⁵ The working group conducted numerous training sessions with management staff at different state agencies on how to use the toolkit to implement equity analysis in decision making, but adoption of the methods from the toolkit was contingent on the interests and prerogatives of agency leadership, and the extent to which different agencies have utilized them is uncertain.¹⁵⁶ While training is invaluable, when trained staff eventually leave their positions, without processes embedded in agency operations, no institutional memory remains to support equity-oriented decision making in a given agency. Perpetually retraining new staff to develop these skills requires a highly inefficient cyclical injection of resources.

Equity Analysis Methods & Skills

Beyond adequate time and funding, equity impact assessments require the appropriate methods to assess equity impacts. Based on the perspectives of most of the interviewees, equity analysis requires key skills that are neither emphasized nor taught in traditional legislative analysis and therefore may not be common among existing legislative staff – (1) data and research literacy (i.e., knowing where to find relevant data, interpreting statistics, and understanding the practice of “evidence-based” policy analysis) and (2) equity lens thinking.

Maryland specifically hired a dedicated data analyst to support the production of REIN.¹⁵⁷

However, several interviewees emphasized the **primary importance of equity lens thinking in equity analysis work**. Equity analysis determines whether proposed legislation could cause or exacerbate a specific problem – disparate outcomes. Equity lens thinking describes an approach to researching and analyzing information that contextualizes observed outcome trends by **identifying their root causes**. It helps analysts better understand both which data is relevant to assess equity issues and how to contextualize their data analysis. This process involves using knowledge about how **past** policies and practices have affected the equity of **present** outcomes (i.e., predisposed social groups to different outcomes) to draw informed conclusions about how proposed decisions could affect the equity of **future** outcomes.

Some interviewees were adamant that without being able to consider the past and present policies and practices affecting present outcome trends (“the ‘why’”), an equity impact assessment constitutes equity analysis in name only.

They also emphasized that access to larger quantities of standardized data and data analysis are often overstated as a requirement for equity analysis, since rarely does a “one size fits all” approach make for effective legislative equity analysis. They explained that rigorous equity analysis often depends on creative, investigatory problem-solving to identify the best way to understand the possible equity implications of often nonstandard policy issues.¹⁵⁸ For example, no standardized data library would be able to provide an analyst guidance on how to assess the equity implications of a policy mandating menstrual products in public restrooms – an example of actual legislation that was assessed by Montgomery County.¹⁵⁹ No standardized data of any kind appears to exist on menstrual product availability. The bulk of the work for the equity analysis that an analyst would undertake to assess such legislation primarily involves identifying proxy measures to assess baseline needs and outcomes related to the issue of “period poverty” and to using context knowledge about the issue to consider

¹⁵⁵ California State Interagency Team. (2013). *Racial Impact Assessment User Guide: A Project of the Workgroup to Eliminate Disparities and Disproportionality*. https://apha.confex.com/apha/142am/webprogram/Handout/id3171/Handout--Poster_306949.pdf

¹⁵⁶ Interview with a former member of the California Work Group to Eliminate Disparities and Disproportionality.

¹⁵⁷ Interview with government staff.

¹⁵⁸ Interviews with government staff.

¹⁵⁹ Peña, J. (2023). *Bill 42-23: Health and Sanitation – Menstrual Products in Public Restrooms – Required*. Racial Equity and Social Justice (RESJ) Impact Statement. Office of Legislative Oversight. <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2023/Bill42-23.pdf>

what implications the policy would have on the issue and the demographic groups most affected by the issue based on the policy's design.

At present, it is possible that these key skills may not be equally distributed across the state's legislative staff. For perspective, while the King County Council's entire team of approximately 20 legislative analysts were provided with a step-by-step methodology that fellow analysts developed to assess the equity impact of proposed legislation, the team agreed to undergo a yearlong training on the history of racially inequitable policies in King County, the role of community involvement in policymaking, and other relevant topics to ensure they were better equipped to evaluate policies with an "equity lens" and to meaningfully utilize the methodology.

Who Should Conduct Equity Impact Assessments

Assessments should be completed by staff who operate independently from the legislature, because the incentive structures informing the work of staff in the legislature may conflict with equity analysis work. As one interviewee explained: *"If there were already the intention to do racial equity work, then our office wouldn't need to exist. They would already be doing it."*¹⁶⁰ Equity analysis is meant to ascertain whether the claims that a bill's advocates make about its potential equity impacts are likely to bear out in reality – and to slow or if necessary halt the progress of legislation when it fails to meet equity standards. As some of the interviewees asserted, tasking committee staff and consultants – individuals with close working relationships with assemblymembers and whose directive is to ensure legislation advances through deliberations – with producing equity impact assessments may introduce publicly perceived conflicts of interest.

Equity analysts, like fiscal analysts, are charged with assessing the **impact** of legislation regardless of its **intent**. As some of the interviewees asserted, tasking committee staff and consultants to assess for equity the same legislation that they are incentivized to advance through the legislative process would be similar to allowing bill authors to score their own legislation for budget impacts – i.e., to "self-evaluate."

A number of advocates have proposed that equity assessment responsibilities, roles, and potential staff be housed within independent legislative fiscal analysis units, largely because these offices operate under directives meant to insulate their activities from the politics affecting other legislative offices – in theory. In practice, some jurisdictions that have adopted this model have not been entirely insulated from legislative politics – which is reflected in what they are able to include in their equity impact assessments (e.g., whether to discuss "root causes" of outcome disparities) and which bills they are able to assess for equity (often a decision delegated by authorizing legislation to legislators themselves).

But without the requisite skills and the use of appropriate methods, equity analysis overseen solely by a fiscal analysis office can still result in equity assessments that do not actually evaluate equity impact. Many of the established equity impact assessment models already delegate the responsibility of producing assessments to staff in existing offices dedicated to fiscal analysis. However, fiscal analysis and equity analysis are distinct tasks – distinct types of analysis driven by distinct objectives that require distinct skill sets.

While in theory the same person could accomplish both with the proper training, realistically, as one interviewee conveyed, *"There are not enough hours in the day"* for a single person to accomplish both skilled and time-intensive tasks for a piece of legislation.¹⁶¹ Based on the analysis in this paper, producing a credible equity impact assessment can **add two to 20 days** to the existing workload for a given piece of proposed legislation depending on its complexity (**Graph 2**).

Equity Analysis Requires an Institutional Culture Shift

The challenges that various governments have encountered in their efforts to develop legislative equity assessments models demonstrate that institutionalizing equity assessments within policymaking will require a wholesale shift in how

¹⁶⁰ Interview with government staff.

¹⁶¹ Interviews with government staff.

policy is developed, implemented, and evaluated by the governments in the long term. As the authors of a recent federal study on methods to assess equity assert: *“Problems often persist because of complex interdependencies, where solving one aspect of the problem reveals or creates new challenges [...] For change to take root, organizational cultures must also shift, and the people in those cultures must consolidate new skills [...] Thus, an equity assessment unaccompanied with a dedicated strategy for longer-term change will be ineffective at truly changing the status quo.”*¹⁶²

Like many existing impact assessment processes, equity impact assessments are by nature meant to be, as one interviewee described, *“a disruptive process”* – to slow the legislative decision-making process so that there is enough time to effectively consider the equity impacts of decisions.¹⁶³

While the question of whether equity assessments being introduced so far along in the legislative process is an effective way to influence legislator decision making is pertinent – given that many decisions about the priorities and features of legislation are often finalized long before legislation reaches the committee hearing and floor vote process – their function as a means of documenting the equity implications of proposed legislation remains essential. Apart from being necessary to improve transparency and equity in decision making, an equity impact assessment constitutes *“an accountability tool for elected officials.”*¹⁶⁴ But for equity assessments to be realized to their fullest potential, they need to be publicly accessible and to serve more than just an informative purpose. Legislative equity impact assessments are not likely to have a meaningful impact on equity outcomes if the equity assessment models developed do not require legislators to seriously consider and respond to assessment conclusions in their decision making.

Lastly, as the authors of a federal study on methods to assess equity assert, it is essential to recognize that opposition to equity work does not always manifest in overt ways, such as directly questioning the legitimacy or value of implementing equity assessments in government work. Opposition can be just as, if not more effective, when it takes the form of not providing adequate budgets, staff, and time to implement equity analysis work or dismissing equity assessment as a secondary matter that is not directly implicated in routine government decision making.¹⁶⁵

¹⁶² Office of Management and Budget (2021).

¹⁶³ Interviews with government staff.

¹⁶⁴ Interview with government staff.

¹⁶⁵ McGahey et al. (2023).

PROSPECTIVE LEGISLATIVE EQUITY IMPACT ASSESSMENT FRAMEWORK

The findings from this research indicate that there is a tension between what H.R. 39 sets out to accomplish versus what it will likely be able to achieve based on the resources it prescribes for implementing legislative equity impact assessment.

The following framework identifies model features that would be essential to close resource gaps and implement key methods for a legislative equity impact assessment model. They were developed based on information from: (1) a review of the academic and gray literature, (2) interviews with government staff supporting and/or producing legislative equity impact assessments, and (3) an analysis of equity analysis methods in the toolkits that have been developed to facilitate equity analysis in government work. The framework is divided into two distinct but essential components of a legislative equity impact assessment model: (A) **model structure and resourcing** and (B) **equity analysis methods**.

(A) Structure & Resourcing for Legislative Equity Impact Assessment Models

1. When to Initiate Assessments & Who Produces Them. To ensure legislators have all the pertinent information before serious discussion on proposed legislation commences, equity assessments should be completed in time for the first committee hearing. Their results should be either included as a portion of the bill analyses that are typically produced – see **Diagram A** – or published as an independent brief that would be included among the materials provided to legislators to consider.

- a. In the present configuration,** as outlined in H.R. 39, existing legislative committee staff and consultants have been delegated the task of completing assessments. However, equity impact assessments involve skilled, time-intensive work, and this configuration is likely to overextend an already overextended pool of staff. Moreover, since equity assessments are meant to be an impartial process, given that legislative committee staff and consultants may work closely with legislators during the bill development process, this configuration may introduce publicly perceived conflicts of interest into the equity analysis process.
- b. In the most functional configuration,** trained staff dedicated to producing equity impact assessments housed in an office that operates independently from the legislature would produce the assessments. This configuration aligns with the models established by D.C., Montgomery County, and Maryland, which hired and trained dedicated staff for the express purpose of producing assessments. At present, there are no obvious candidates among existing legislative offices who would be well positioned to produce assessments, given that many of them – e.g., the Legislative Analyst’s Office (LAO) and the Senate Office of Research (SOR) – appear to be understaffed.

Moreover, analysts would need to be specifically trained to perform equity analysis and/or hired based on their ability to perform such analysis – which requires skills that are not commonly taught or emphasized in traditional legislative analysis. However, these analysts may need to collaborate in some capacity with existing legislative staff that produce bill analyses, given that bill analysis is a skill that supports equity analysis. Equity analysts need to know – or at least have a reasonable sense of – what a bill’s stated and unstated intentions are to understand how its provisions could impact the equity of outcomes.

2. Criteria-based Eligibility Screening. States with a “request” mechanism – where the decision about whether legislation will be assessed is delegated to legislators – have produced few equity assessments. Consequently, a criteria-based screening mechanism to determine which legislation should be assessed should be adopted. Such a mechanism would settle who should determine whether legislation is assessed while eliminating the risk of equity impact assessments being turned into a partisan tool – used by political parties to stall legislation they might oppose on partisan grounds rather than for its intended purpose. As for who would oversee this screening process:

- a. **In the present configuration**, as outlined in H.R. 39, existing legislative committee staff and consultants have been delegated the task of completing assessments and will likely also screen proposed legislation. However, this configuration may introduce publicly perceived conflicts of interest into the equity analysis process (See *Feature 1*).
 - b. **In the most functional configuration**, the screening process would be incorporated into the overall assessment production, which would be managed by trained dedicated staff housed within an independent office.
3. **Adequate Resourcing.** Lack of adequate resourcing appears to be one of the key contributors to few equity assessments being produced. Equity analysis requires more time and resources than is currently often provided to accomplish this skilled work – as demonstrated by both the quantity and/or quality of the output from many of the state models. Producing equity assessments is additional work, and additional work requires additional time. Absent more time to do the work, staffing capacities need to be evaluated and adjusted accordingly.
4. **Stepped Rollout of Model Implementation.** A functional and enduring legislative equity impact assessment model requires adequate resourcing. Given that the resourcing configuration prescribed in H.R. 39 is not adequate, the state will need to allocate provisions to close this resource gap in the near future. The state might consider implementing a planned gradual expansion of the use of equity impact assessments. Connecticut, which passed its authorizing legislation in 2008 originally limiting assessments to criminal legal system-related policies, enacted an amendment in 2018 authorizing requests for assessments of bills for all policy areas. The California Legislature could similarly treat the resource configuration prescribed in H.R. 39 as an inaugural phase preceding a more permanent configuration in which more resources have been secured for dedicated staff to perform this work (See *Features 1 to 3*).
5. **Disaggregated Data Collection.** Accessing reliable data on outcomes that are disaggregated by demographic groups is a universal challenge for all governments that have established or are establishing equity impact assessment models. Without consistently disaggregated data, many assessments conclude before they even begin by default with equity impacts declared indeterminate. As it stands, data infrastructure is often underdeveloped, and many government staff that produce equity impact assessments are forced to devote a significant portion of their time assessing the quality of sometimes raw, unorganized data – whether it is disaggregated for demographic groups, includes missing values, etc. – before they can begin using the data to support equity analyses – a cost-ineffective use of time. As a 2023 report from the National Academies of Science, Engineering, and Medicine studying federal policies that contribute to health inequities and recommending policies to further racial and ethnic health equity in the U.S. asserted, *“Comprehensive data collection is not only necessary to advance racial, ethnic, and tribal health equity but also is an issue of equity itself.”*¹⁶⁶

It is important for the state to ensure that future data collection and reporting on outcomes are disaggregated by demographic groups. California agencies already collect large quantities of data – some of which the state already consolidates and curates through the [California Open Data Portal](#). However, not all state agencies upload their data to the Open Data Portal, and many of the datasets available through the Open Data Portal require quality assessment and potentially processing before they are ready for use in equity analyses. More importantly, some of that data is not disaggregated by demographic groups – which make them poorly suited for equity analysis. It is more important to ensure that disaggregated data is more generally publicly available in the future than to divert time and resources to developing a new or modifying an existing centralized data “hub.” In practice, the variety and complexity of issues analyzed in equity impact assessments seem to require the identification and adaptive use of eclectic data sources (e.g., [CalEnviroScreen](#) and [Healthy Places Index](#)) that are possibly infeasible to capture in one centralized data “hub.”

¹⁶⁶ National Academies of Sciences, Engineering, and Medicine. (2023). *Federal Policy to Advance Racial, Ethnic, and Tribal Health Equity*. Washington, D.C.: The National Academies Press. <https://doi.org/10.17226/26834>

6. Transparency & Accountability. Almost all models have relegated equity assessments to serving as informational documents. However, knowledge does not automatically precipitate action. For equity assessments to be effective in increasing the equity of the legislative process, they need to extend beyond the informative.

- a. At minimum, equity assessment write-ups should be included as part of the publicly accessible published bill analyses for formally introduced legislation – just as the Department of Finance’s fiscal reports for proposed legislation and environmental impact reviews (EIRs) are published and accessible to the public.
- b. A procedure should be specified for what steps are required after equity impact assessments determine that legislation may potentially increase outcome disparities should be established. The procedure should include requiring bill provisions found to be likely to increase outcome disparities to be amended and/or, absent amendments, a written explanation as to why legislation will be approved without modifications to be included with the published bill analysis (similar to the procedures for environmental impact assessments¹⁶⁷).

(B) Methods for Legislative Equity Impact Assessment Models

7. Equity Analysis Methods. Beyond adequate resourcing, legislative equity assessment models need to use methods that actually evaluate for the equity impacts of proposed legislation. If all the previous features of the prospective framework were implemented with the exception of this last feature, the resulting model would still likely not produce statements that meaningfully evaluate the equity impact of proposed legislation.

Data analysis is not – and should not be conflated with – equity analysis. What distinguishes equity analysis from data and statistical analysis is the questions that are asked to contextualize the trends observed in data. For data analysis to result in equity analysis, analysts need to be both aware of and permitted to acknowledge the causes of disparate outcomes (root causes) observed in data in the assessments they produce (“equity lens thinking”). Why and how proposed legislation might lead to or exacerbate outcome disparities is inextricably linked to why and how past policies and practices may have contributed to present outcome disparities – or, put more simply, constitute “lessons learned.”

See **Part II | California Legislative Equity Impact Assessment Template and Guide.**

California has a national and global reputation for spearheading progressive policy innovations – yet it is almost two decades behind the first state to establish a formal equity impact assessment model. To establish a functional legislative equity impact assessment model, it needs to consider (1) providing adequate resourcing to develop and maintain a legislative equity impact assessment model and (2) ensuring that the model utilizes methods that meet the bare minimum of what constitutes equity analysis. Nothing less will provide a meaningful assessment of how proposed legislation will impact and affect both the longevity and quality of the lives within California’s diverse communities. Nothing less will provide a meaningful opportunity to advance efforts – as H.R. 39 states – “*preventing health and economic disparities*” in California.

¹⁶⁷ CEQA Portal (n.d.).

PART 2

California Legislative Equity Impact Assessment Template and Guide

Proceed to the template and guide [here](#).

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APPENDIX

Table A.1
Equity Impact Assessment Tools*

KEY

YELLOW – Tools created by nongovernmental organizations/entities.

GREEN – Tools created by and for government entities for use in executive/departmental decision making.

ORANGE – Tools created by and for government entities for use in legislative decision making.

	Title	Year	Geography	Publisher	User(s)	Link to Document
1	Racial Equity Impact Analysis: Assessing Policies, Programs, and Practices	2006	–	Annie E. Casey Foundation	Not specified	https://assets.aecf.org/m/resourcedoc/aecf-racialequityimpactanalysis-2006.pdf
2	Racial Equity Impact Assessment	2009	–	Race Forward	Not specified	https://www.raceforward.org/sites/default/files/RacialJusticeImpactAssessment_v5.pdf
3	King County Equity Impact Review Tool	2010	King County	King County	King County Department staff	https://kingcounty.gov/~media/elected/executive/equity-social-justice/documents/KingCountyEIRTool2010
4	Racial Equity Toolkit to Assess Policies, Initiatives, Programs, and Budget Issues	2012	Seattle, Washington	Race and Social Justice Initiative	City of Seattle Department staff	https://www.seattle.gov/Documents/Departments/RSJI/RacialEquityToolkit_FINAL_August2012.pdf
5	Racial Equity Toolkit Implementing Greenlining's Racial Equity Framework	2013	–	Greenlining Institute	Polymakers, advocates, and others	https://greenlining.org/wp-content/uploads/2013/07/GLI-REF-Toolkit.pdf
6	Racial Impact Assessment: User Guide	2013	California	Workgroup to Eliminate Disparities and Disproportionality, California State Interagency Team (SIT)	State Interagency Team (SIT), SIT workgroups, and SIT member departments. State, county, and community-based organizations.	https://apha.confex.com/apha/142am/webprogram/Handout/id3171/Handout--Poster_306949.pdf
7	Racial Equity Toolkit An Opportunity to Operationalize Equity	2015	–	Government Alliance for Racial Equity (GARE)	Government staff, local officials, CBOs	https://www.racialequityalliance.org/wp-content/uploads/2015/10/GARE-Racial_Equity_Toolkit.pdf
8	The Racial Equity Impact Assessment: Pocket Guide	2015	–	Voices for Racial Justice	Leaders and communities	https://static1.squarespace.com/static/63dacc84fb1475405e0eeaa1/t/63ef9f08172d471de56ec0c8/1676648200944/2015-REIA-Pocket-Guide.pdf http://voicesforracialjustice.org/wp-content/uploads/2014/10/2015-REIA-Pocket-Guide.pdf

Continued on next page

	Title	Year	Geography	Publisher	User(s)	Link to Document
9	Racial Equity: Getting to Results	2016	–	Government Alliance for Racial Equity (GARE)	Local governments	https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf
10	Racial Equity Impact Assessment	2018	–	Center for the Study of Social Policy	Decision-makers	https://cssp.org/wp-content/uploads/2018/08/Race-Equity-Impact-Assessment-Tool.pdf
11	ESJ Legislative Analysis Methodology v1.0	2018	King County	King County Legislative Analyst Team	King County Legislative Analyst Team	https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=6052806&GUID=A00AE2DE-B40D-49E8-9786-012350521CD5&Options=Advanced&Search=
12	Budgeting for Equity	2019	Dallas, Texas	Dallas Office of Equity/Office of Budget	City of Dallas Departments	https://dallascityhall.com/departments/office-of-equity-and-inclusion/ResilientDallas/DCH%20Documents/Budgeting%20for%20Equity_FY20%20(1).pdf
13	A Framework for Assessing Equity in Federal Programs and Policies Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (EO 13985)	2021	Federal agencies and programs	MITRE	Federal agencies and programs	https://www.mitre.org/sites/default/files/2023-08/PR-21-1292-A-Framework-for-Assessing-equity-in-federal-programs-and-Policies-07-21.pdf
14	A User’s Guide to Legislative Health Notes	2021	–	PEW Charitable Trusts	Researchers and policy analysts	https://www.pewtrusts.org/-/media/assets/2021/04/apracticionersguidereportfinal.pdf
15	Child/Youth Impact Assessment Form: Template	2021	–	Kids Impact	Community leaders	https://kidsimpact.org/wp-content/uploads/2021/05/cia-assessment-form.docx
16	FY22 Operating Budget Call & Racial Equity	2021	Philadelphia, Pennsylvania	City of Philadelphia Budget Office	City of Philadelphia Department staff; City Council	https://drive.google.com/file/d/1UWezINIDOHUFs9tX3zX3cJqXIQf3Re8t/view
17	Racial Equity Budget Tool	2021	Milwaukee County, Wisconsin	Milwaukee County Racial Equity Budget Tool Workgroup	Milwaukee County Departments	https://www.wicounties.org/wp-content/uploads/2021/02/Racial-Equity-Budget-Tool_Template_2021_FINAL.pdf
18	Racial Equity Framework for Gun Violence Prevention	2022	–	The Educational Fund to Stop Gun Violence	Policymakers, researchers, and organizations	https://efsgv.org/wp-content/uploads/EFSGV_REIA_Framework.pdf
19	Equity Impact Statement Tools and Procedures	2022	Washington (proposed)	ECONorthwest	Washington State Office of Financial Management	https://ofm.wa.gov/sites/default/files/public/publications/Report-on-Equity-Impact-Statement-Tools-and-Procedures-2022.pdf
20	FY24 Operating Budget Equity Tool Guidance Manual	2023	Montgomery County	Montgomery County Office of Racial Equity and Social Justice	County departments and decision-makers	https://www.montgomerycountymd.gov/ORE/Resources/Files/FY24OBETGuide.pdf
21	Racial Equity and Social Justice (RESJ) Project Methodology Tool	2023	Montgomery County	Montgomery County Office of Racial Equity and Social Justice	Office of Legislative Oversight/RESJ analysts	https://www.montgomerycountymd.gov/OLO/Resources/Files/OLO-RESJ-ProjecTool.pdf

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	Title	Year	Geography	Publisher	User(s)	Link to Document
22	Developing an Equity Impact Statement A Tool for Policymaking	n.d.	–	Praxis Project	Local governments	https://static1.squarespace.com/static/5bf21032b98a7888bf3b6e21/t/5e8e4f9891cf2e054ca83050/1586384799188/Developing+an+Equity+Impact+Statement+A+Tool+for+Policymaking.pdf
23	Racial Equity and Social Justice Tool Comprehensive Version	n.d.	Madison, Wisconsin	Racial Equity and Social Justice Initiative	City of Madison Department staff	https://www.cityofmadison.com/civil-rights/documents/ComprehensiveRacialEquityAnalysis.docx
24	Racial Equity and Social Justice Tool Fast Track Version	n.d.	Madison, Wisconsin	Racial Equity and Social Justice Initiative	City of Madison Department staff	https://www.cityofmadison.com/civil-rights/documents/FastTrackRacialEquityAnalysis.docx
25	How to Design Racially Equitable Legislation for Residents of the District of Columbia A Resource for Councilmembers and Staff	n.d.	Washington, D.C.	Council Office of Racial Equity (CORE)	DC Council Offices; Councilmembers, staff, and community stakeholders	https://static1.squarespace.com/static/5ffa2eb4a24aef1e5b91c0d6/t/60d0cc7145694b3086473cbf/1624296562097/Designing+Racially+Equitable+Legislation+Toolkit+-+Fillable+PDF.pdf
26	Racial Equity Impact Notes	n.d.	Maryland	Department of Legislative Services, General Assembly of Maryland	Office of Legislative Services, Racial Equity Impact Note (REIN) analysts	https://dls.maryland.gov/about-us/racial-equity-impact-notes
27	REIA: Racial equity impact analysis A process for change	n.d.	Minneapolis, Minnesota	City of Minneapolis Department of Racial Equity, Inclusion and Belonging	City of Minneapolis staff, departments, elected policymakers and community members	https://lims.minneapolismn.gov/Download/File/4827/REIA_Process_Guide.pdf

*Table A.1. lists only tools that were identified through the literature review. It should not be construed as an exhaustive directory of all tools that have been developed to facilitate or guide equity impact analyses.