



LEVERAGING RACIAL & ETHNIC IMPACT STATEMENTS TO ACHIEVE RACIAL EQUITY IN ALL POLICIES & RULES: NEW YORK'S COMMUNITIES OF COLOR HAVE A RIGHT TO FULL JUSTICE & EQUITY

What's At Stake



New York was recently classified as having among the highest structural racism and income inequality indexes in the United States. ¹

- **Black New Yorkers** are more than twice as likely as whites to **die in their first year of life** and to **live in poverty**; almost twice as likely to **not finish high school** and almost five times as likely to be **incarcerated**.
- **Minority/Women-owned Business Enterprises (MWBE)** have a **historical disadvantage** in winning New York State contracts.
- **New York's Latinx population** has an **unemployment** rate more than double that of whites and has experienced pandemic-related **food insecurity** at rates three times higher than those of white New Yorkers.
- The **median salary** for a white New York City municipal employee is \$27,800 higher than a Black employee's salary and \$22,200 higher than a Latinx employee's salary,

¹ Patricia Honan, Tyson H. Brown, and Brittany King. August 6, 2021." Structural Intersectionality as a New Direction for Health Disparities Research." *Journal of Health and Social Behavior*, 62(3), <https://doi.org/10.1177/00221465211032947>.

with Black women and Latinas earning 69 cents for every dollar earned by white male employees and inequities persisting in the form of **occupational segregation**.

- **Asian-Americans** have the **highest poverty rates** in New York City.
- Poverty rates are more than double for **Hispanic New Yorkers** compared to white, non-Hispanics. **Black, Native Hawaiian and other Pacific Islander** and **American Indian** New Yorkers experienced poverty at twice the rate of white New Yorkers in 2021.
- In Manhattan, **Black and Latinx children** are 10 to 13 times **more likely to live in poverty** than white children, and **Asian children** are 5 times **more likely to live in poverty** than white children.

New York's pervasive racial and ethnic disparities harm our State and must be urgently addressed through meaningful, holistic systemic change. The COVID-19 pandemic has provided irrefutable evidence of the long-standing, deeply-rooted racial inequities that have caused increasingly disparate outcomes in New York State and throughout the nation for far too long. These wide-ranging and long-standing inequities, encompassing such areas as **healthcare** access, involvement in the **child welfare** and **youth justice** systems, **economic security**, **educational opportunity**, access to safe and healthy **housing**, and **workforce** disparities, continue to harm New York's most marginalized children, youth, families, and communities.

Requiring racial and ethnic impact statements during the legislative and rule-making processes can help New York eliminate these disparities and avoid doing further harm to communities of color.

New York's Path Forward



Several states have incorporated racial impact statements into their legislative and rule-making process. Colorado, Connecticut, Iowa, Maine, Maryland, New Jersey, Oregon and Virginia all require racial impact statements for certain subject matters or in certain circumstances. **However, no state yet requires racial impact statements for all areas of the legislative and rule-making processes. Communities of color do not live single issue lives and their justice and equity should not be provided in a partialized, ineffective manner. New York must lead the nation in truly aiming towards equity in all policies.**

What We Propose

Undoing generations of racial and ethnic disparities and institutionalized harm demands an anti-racist approach that actively examines the role of legislative and regulatory action in perpetuating inequality in New York. **Our State must take a stand and lead the nation in only legislating policies that uplift, not harm, our most marginalized communities. Now is the time to lead the nation in embarking on the path to achieving equity in all policies.**

New York's pervasive racial and ethnic disparities must be addressed through systemic change. This means no longer passing legislation or adopting rules without examining whether the policies will eliminate, perpetuate or create racial and ethnic disparities. To accomplish this, New York should:

- (1) Establish an independent office or entity tasked with producing racial and ethnic impact statements.²
- (2) Require all bills advancing out of committee in the legislature and amendments to bills to be accompanied by a racial and ethnic impact statement.³
- (3) Require all proposed rules to be accompanied by a racial and ethnic impact statement.
- (4) Require racial and ethnic impact statements to include an estimate of the impact of the bill, amendment or proposed rule on various racial and ethnic groups, and the basis for the estimate, including any specific data relied upon.
- (5) Prohibit adopting bills and rules that are found to increase racial or ethnic disparities.

How *this* proposal varies from other existing proposals and models, including other existing NY proposals:

- Racial and ethnic impact statements would be publicly available and open to scrutiny by the Governor, other legislators, the press, advocates and the general public.
- Impact statements would be required to include an explanation of the methodology used to determine the impact, including retrospective analysis of the racial and ethnic impact of current legislation compared to proposed legislation.
- This proposal would establish an independent office in charge of producing the impact statements.¹
- This proposal would apply to all bills, amendments and proposed rules, not just those relating to criminal justice, child welfare, and social services. This would allow racial equity to be centered in all policy proposals.²

Our holistic racial and ethnic impact statement proposal has received the support of the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus and was included in their 2021 *The People's Budget: Budget Equity XXIX*, their 2022 *The People's Budget* and their 2023 *The People's Budget: Budget Equity XXXI*.

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² *To be determined*: If necessary to narrow the scope of the proposal to increase short-term political feasibility, consider bill and amendment sponsors and state agencies being responsible for drafting their own impact statements.

³ *To be determined*: If necessary to narrow the scope of the proposal to increase short-term political feasibility, consider (1) starting with requiring the preparation of impact statements for only health-related legislation to start and later increasing the types of legislation for which impact statements are produced; and/or (2) Requiring impact statements for bills that leave their Committee of origin or that are up for a floor vote as opposed to for all bills being introduced.