Community Benefits 101
Because everyone deserves a Fair Shake.

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

• Fair Shake’s Community Democracy River: “choose your own adventure” website to find levers to move vision to action: https://www.fairshake-els.org/community-resources

• ReImagine Appalachia Community Benefits Resource Bank: https://reimagineappalachia.org/community-benefits/
This presentation is designed for general informational purposes only.

The information contained in this presentation should not be construed to be legal advice or to signify the formation of a lawyer-client relationship.
What would you change with magical powers?

Look

Sound

Smell

Feel
Community Benefits = Promises on how a development will benefit the community in tangible, needed, measurable ways.

Community Benefit Agreements
Legal contract between coalition and developer.

Ordinance Requiring Community Benefit Agreements
Local law requiring CBA’s for developments that meet certain criteria.

Good Neighbor Agreements
Agreement or legal contract between existing business and coalition.

Development, Host, or Labor Agreements
Legal contract between developer and municipality.

Community Benefit Plan
Plan that is part of scoring criteria on DOE funding applications.

Require an **Ongoing Process** of Visioning; Coalition Building; Creating; Negotiating; Implementing; Following-Through.
Community Benefits Agreements (CBA)

- Outcome of a Community Benefit Process.
- Legally binding contract between a community coalition and a developer.
- Outlines benefits that a Developer will provide to the broader community in exchange for the community coalition’s support.
- Not one-size-fits-all.
Without Community Benefit Process

With Community Benefit Process

Who is Involved?

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

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

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

Coalition can support development IF certain conditions are met.

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

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

Community has leverage.

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

Reactive vs. Proactive

- Reactive: community finds out about a development proposal (or current development) and mobilizes to create coalition and advocate a CBA in response to development.
- Proactive: community creates a shared vision and trusting coalition, advocate for municipal community benefits requirements, are alerted by leaders about potential new developments, and are ‘ready’ when new development proposals come.
Red Flags
Things to watch out for that can lead to weak CBAs.

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

Green Flags
Things to encourage that can lead to strong CBAs.

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

Four Principles of Successful CBAs:
How?

1. Identify Community Vision
2. Build the Coalition
3. Research Facts and Policy
4. Engage the Neighborhood
5. Educate Decision-Makers
6. Approach the Developer
7. Negotiate
8. Use City Processes and Media to your Advantage
9. Sign, Implement, Monitor & Enforce
Why Community Benefits?

- Requirements for development funding.
- Substantial and tangible benefits for community.
- Economic development.
- Clarity & concrete actions for the developer.
- Strong community coalitions.
- Level power imbalances between impacted community and developers.

- What is your "Why?"
History of Community Benefits

- Citizens have organized for equity and inclusion benefits in labor and development for decades.

- Organizing led to federal legislation that prohibits discrimination and promotes equal rights.
  - These efforts often fall short.

- LA Live CBA (early 2000s) first CBA.

- As of Sept. 2023 – over 350 CBA campaigns in over 100 cities.

- New opportunities + funding requirements for Appalachia.