

Racial Equity Pocket Questions – Legislative Public Hearings for Amendments

In accordance with North Carolina General Statutes, consideration of map (rezonings) and text amendments (G.S. 160D-601(a)) require legislative public hearings. Public hearings provide a forum for public input where proponents and opponents of the legislative action may voice their support/concern or provide opinions/comments on a matter. Legislative hearings do not have the same procedural formality—consideration of evidence/finding of fact as quasi-judicial hearings. The Town Council has broad discretion in its decision making and can engage with applicant(s) and residents to discuss proposals.

Prior to the Town Council holding a legislative hearing, there must be proper public notice; this includes publishing notice in a newspaper, for two successive weeks; mailing notice to adjacent property owners (at least 10 days and not more than 25 days before the date of the hearing) and posting a sign on the subject property (at least 10 days and not more than 25 days) before the date of the hearing. The Town of Carrboro exceeds the state requirement by providing mailed notice to all property owners and renters within 1000-feet of the subject property(ies). Amendments to the Land Use Ordinance in June of 2021, added a required neighborhood information meeting (NIM) for rezonings. The NIM is an applicant-lead meeting to provide neighbors with an opportunity to learn about and provide input at the beginning of a development proposal. The applicant is required to meet the same mailed notice standards for the NIM.

What are the racial impacts?

Lack of representation on elected and appointed boards (advisory boards also provide comments for public hearings), and a perception of not being heard can make it difficult to feel welcome. Disparate access to quality education as well as historical barriers to government for community members of color can lead to undue burden.

Who is or will experience burden?

Shift workers and people who have limited time, transportation choices and/or children may have difficulty finding the time to learn about a proposal, attending meetings, understanding how and when to provide input, and to whom. It takes time to learn the development process and to obtain a comfort level to participate. Language may also provide a barrier for some residents.

Who is or will experience benefit?

The public hearing process is intended to provide a mechanism to provide information in a public forum. In the case of a land use decision, a public hearing provides a public forum for an applicant (land owner or local government) to present information to members of the public and the decision-making entity (elected officials/board of adjustment). Hearings provide opportunities for public comment and allow for decisions to occur in a public setting for transparency. Public hearings for voluntary annexation and rezonings involve a legislative decision, one which allows for applicants and members of the community to engage with elected officials and voice support or concern for a development proposal. Residents who are already engaged with the Town and follow Council meeting agendas may feel comfortable reaching out to the Town or attending meetings to express opinions on an annexation or rezoning.

What are the root causes of inequity?

Working individuals and families may find it difficult to attend public meetings, may be reticent to speak in a public setting and may have an overall distrust in government and governmental processes, based on personal experiences and/or examples of structural racism in government decisions, particularly those relating to land use.

What might be the unintended consequences of this action or strategy?

Rezoning can affect land values and quality of life experiences for surrounding property owners and occupants in ways that can be beneficial and, albeit for some, less desirable. Increasing density to provide more housing and more diverse housing price points would be an example. The public hearing process is intended to provide a way for adjacent property owners and the community at large to learn about a development proposal and provide input in a public setting. Even with rigorous notification efforts including mailed notice, some people may not learn of a project in time to provide input and/or feel that they understand the project and/or approval process enough to fully participate. The Planning Department has completed an evaluation of the amendment process through the REAL lens and is considering options for better public engagement moving forward. Of note, this would involve efforts to go beyond what is required by state statute and the Land Use Ordinance.