

Racial Equity Pocket Questions – Legislative Public Hearings for Text Amendments

In accordance with North Carolina General Statutes, consideration of 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. 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 before the date of the hearing.

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.

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 proposed change to a land use regulation, 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 text amendments 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 the matter under consideration. 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 land use matters.

What are the root causes of inequity?

Structural racism in government decisions, particularly those relating to land use, as well as residents' personal experiences with government, can further alienate those that may find it difficult to attend meetings—like working individuals and families—and contribute to a reticence by historically marginalized people to speak in a public setting. Disparate access to quality education, which in turn affects economic outcomes, as well as historical barriers to government for community members of color can lead to undue burden.

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

Changes to land use regulations can benefit or harm land values and quality of life experiences for surrounding property owners and occupants. The public hearing process is intended to provide a way for developers and community members to learn about a proposal and provide input in a public setting. Even with published notice and social media releases, some people may not learn of a proposed amendment to the Land Use Ordinance in time to provide input and/or feel that that they understand the project and/or approval process enough to fully participate. The Planning Department is in the process of evaluating the amendment process through the REAL lens.