

## **Recommendation to AB 617 Consultation Group**

### **Title VI of Civil Rights Act, California Code 11135**

Background: Title VI of the Civil Rights Act and its analog in California state law, Code 11135, are statutory and regulatory requirements applicable to many of the participants in the AB 617 program, including the California Air Resources Board and air district agencies involved in the program. Both Title VI and 11135 go to the obligation, imposed on recipients of federal or state assistance, to avoid discriminatory effects of their programs and policies. Rather than leaving these requirements unacknowledged, the proposal is to incorporate explicit recognition of the requirements into the program, with the hope and expectation that they can be considered and addressed proactively rather than reactively via litigation and complaint processes. At a time when Black Lives Matter, the COVID pandemic and environmental justice all point to the same underlying causes, this would put the core driving principle of the AB 617 program, environmental justice, in a correct and effective relationship to a key underlying principle of environmental justice, which is civil rights.

#### Recommendation:

1. The AB 617 program should acknowledge, in its guidance and other documents, that Title VI of the 1964 Civil Rights Act and California Code 11135 apply to all participants who receive financial and other kinds of assistance from the federal government or State of California.
2. By way of program requirements and guidance, build into the program proactive methodologies and practices that can best achieve the goals of Title VI and 11135 of avoiding discriminatory impacts.
3. Educate and train management and staff at all levels of government, steering committee members and other participants in the AB 617 program on the requirements of Title VI and 11135 and on best policies, practices and methodologies for meeting the requirements and intentions of Title VI and 11135.
4. Responsibility for overseeing and training with regard to these requirements should be lodged at a level above California Air Resources Board, such as CalEPA or the California Department of Justice (Attorney General).

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