

A wooden boardwalk made of light-colored planks winds through a vast, grassy field. The field is covered in tall, green grasses and some purple flowers. In the background, there are rolling hills under a grey, overcast sky. The boardwalk starts in the foreground and curves away into the distance.

# COMMUNITY BENEFITS AGREEMENTS: A STEP TOWARDS WATER AFFORDABILITY

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# COMMUNITY BENEFIT AGREEMENTS

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**Community Benefit Agreement** – CBA is a contract created by the key partners involved in community development projects. The list usually includes a private developer, community-based organizations, public officials, and local government agencies

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# COMMUNITY BENEFIT AGREEMENTS: SCOPE & BENEFITS



## Scope

A typical contract defines specific benefits the developer guarantees to residents of the affected neighborhoods.

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A blue icon of a family consisting of an adult and a child, symbolizing community and benefits.

## Benefits

The benefits can include well-paying jobs, affordable housing, childcare centers, health and recreational facilities, and educational improvements.

CBA's can also involve the redress of harm.

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# COMMUNITY BENEFIT AGREEMENTS: WHY

## Historical

The primary parties engaged in negotiations about development projects are:

- the developer,
- local economic development agencies, and
- public officials.

## Now

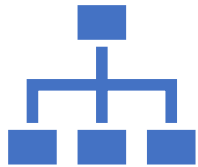
The primary parties engaged in negotiations about development projects are:

- the developer,
- local economic development agencies,
- public officials, and
- **COMMUNITY**

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# COMMUNITY BENEFIT AGREEMENTS: WHAT'S NEEDED



Organizational  
capacity



Staffing



Community  
feedback process



Communication  
procedure

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# A LITTLE BIT ABOUT WATER



## Water is a resource

Resource pricing is based on scarcity value  
Prices increase substitution begins



## Government is a regulator of natural resource

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# WATER PRIVATIZATION

## Overview

- Privately owned water systems serve about 12 percent of Americans
  - This figure is **significantly higher** in Indiana and 14 other states with industry-friendly policies
- Fears caused by Flint's lead crisis serve as a **helpful catalyst** for private water system ownership. (Richard Verdi, Analyst for Ladenburg Thalmann Financial Services).
  - Dow Jones U.S. Water Index begin rising in 2015 as Flint became national news.

## Impact

- Cities
  - Can eliminate utility infrastructure related debt,
  - Increase city coffers,
  - Create jobs and provide other services,
  - Depoliticize rate increases
  - Sell water system(s) for appraised value as opposed to book value
- Citizens
  - Rate hikes
  - Often times complaints of poor service
  - Cost of litigation to regain control

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# WATER AFFORDABILITY

## International Water Affordability Protections



### France:

In 1990 passed laws to guarantee access to water

**No cut off's** to homes with *children or elderly*



### Belgium (Brussels):

Disconnections are allowed in the Brussels region after a court decision, provided that the water meter serves a single housing unit.

Cut-offs are only allowed during a certain period (from the 1st of April to the 30th of June and from the 1st of September to the 30th of October)



### Scotland:

disconnections are not allowed if the water is used for domestic purposes.

## United States Water Affordability

- Cut-off's are allowed(.)
  - Income based programs provide assistance for those that apply and qualify
  - No federal laws establish affordability standards designed to protect against water rate hikes or overall ensure affordability
  - States and local governments **are** and **must** fill the gap

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# BRINGING IT ALL TOGETHER

## Community Benefits Agreement ( how can they help)

- Front-end input
- Commitments to the community
- Ongoing community involvement
- Community oversight
- Community enforcement

## Legality of CBA's

- *Koontz v St. John's River Water Management District*
  - local government conditions placed on a development project on an ad hoc or adjudicatory basis as a part of the land use approval process must have an **essential nexus** with and rough proportionality to the impact of the project that the condition is intended to address.
  - **Not applicable when:** government is in a contractual relationship with the developer,

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A wide-angle photograph of a coastal dune landscape. A light-colored wooden boardwalk, made of parallel planks, starts in the lower foreground and curves gently to the right, leading into the distance. The terrain is covered in tall, green grasses and patches of purple heather. In the background, there are rolling sand dunes with sparse vegetation, and a line of dark evergreen trees on the horizon. The sky is overcast with grey clouds. The word "END" is printed in white, serif font in the center of the boardwalk.

END

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