



## Racial inequality and the implementation of emergency management laws in economically distressed urban areas



Shawna J. Lee PhD, MSW, MPP<sup>a,\*</sup>, Amy Krings PhD, MSW<sup>b</sup>, Sara Rose MSW<sup>a</sup>, Krista Dover MSW<sup>a</sup>, Jessica Ayoub MSW<sup>a</sup>, Fatima Salman MSW<sup>a</sup>

<sup>a</sup> University of Michigan School of Social Work, 1080 S University Ave, Ann Arbor, MI 48109, United States

<sup>b</sup> Loyola University Chicago School of Social Work, 111 E Pearson St, Chicago, IL 60611, United States

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### ABSTRACT

This study examines the use of emergency management laws as a policy response to fiscal emergencies in urban areas. Focusing on one Midwestern Rust Belt state, we use a mixed methods approach – integrating chronology of legislative history, analysis of Census data, and an ethnographic case study – to examine the dynamics of emergency management laws from a social justice perspective. Analysis of Census data showed that emergency management policies disproportionately affected African Americans and poor families. Analysis indicated that in one state, 51% of African American residents and 16.6% of Hispanic or Latinos residents had lived in cities that were under the governance of an emergency manager at some time during 2008–2013, whereas only 2.4% of the White population similarly had lived in cities under emergency management. An ethnographic case study highlights the mechanisms by which an emergency manager hindered the ability of residents in one urban neighborhood, expected to host a large public works project, to obtain a Community Benefits Agreement intended to provide assistance to residents, most of whom were poor families with young children. We conclude with a discussion of how emergency management laws may impact social service practice and policy practice in urban communities, framed from a social justice perspective. We argue that these are not race neutral policies, given clear evidence of race and ethnic disparities in their implementation.

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### 1. Introduction

The 2007–2009 economic recession was a period of fiscal crisis that deeply affected state and local governments across the country. Governments responded to revenue loss and poor economic conditions through various austerity measures, among them raising taxes, reducing or privatizing public services, declaring bankruptcy, or implementing some form of state receivership (Anderson, 2011; Anderson, 2012; Bowman, 2013; Coe, 2008; Kimhi, 2008). This article analyzes the increasing use of emergency management (EM) laws to respond to fiscal crises and demonstrates how EM laws can have downstream impacts on the health and wellbeing of children and families. Most commonly, EM laws are passed by state legislatures. When a municipal-level fiscal emergency arises, EM laws permit state officials, such as the governor, to appoint a receiver, state agency, or financial control board to oversee local (city) government. In some cases, these laws shift

decision-making authority from local elected officials, such as a mayor, city council, or school board, to a single non-elected state appointee, called an emergency manager. Emergency managers often have considerable autonomy over fiscal decisions and can play a pivotal role in developing and implementing new financial and operations plans for the city (Anderson, 2012; Loh, 2015). This paper discusses the implementation of EM laws within the State of Michigan, in part because Michigan has used EM laws more extensively than any other state. Beginning in 2008, 10 cities in Michigan were under emergency management and had an emergency manager in place (see Table 1).

In this paper, we begin by situating EM laws within a broader philosophy of austerity politics. We discuss how EM reduces opportunities for local democratic decision-making as well as public investment. We present analysis of Census data that shows that poor individuals and racial minorities live under EM more often than more affluent or white residents. Thus, less powerful groups absorb the costs of EM. We conclude with a case study that describes the mechanics through which EM minimizes local accountability and, ultimately, the provision of public services. We argue that these laws influence the wellbeing of children and families, particularly within economically distressed urban areas, in ways that are problematic and, for the most part, have been ignored.

Abbreviations: ACS, American Community Survey; CBA, Community Benefits Agreement; EM, emergency management; US, United States.

\* Corresponding author.

E-mail address: [shawnal@umich.edu](mailto:shawnal@umich.edu) (S.J. Lee).

**Table 1**  
Michigan Emergency Management Timeline and City Demographic Information.

Year EM Appointed	City	Pop. Total	Black or African American N (%)	Hispanic or Latino N (%)	White/ Non-Hispanic N (%)	% Living Below Federal Poverty Level
1988	Ecorse <sup>a</sup>	12,180	4,760 (39.1)	820 (6.7)	6,459 (53.0)	25.6
1988	Hamtramck <sup>a</sup>	18,372	2,573 (14.0)	292 (1.6)	15,173 (82.6)	25.4
1989	River Rouge <sup>a</sup>	11,314	3,957 (35.0)	378 (3.3)	6,874 (60.8)	29.1
1990	Royal Oak Township <sup>a</sup>	5,011	3,267 (65.2)	49 (1.0)	1,623 (32.4)	21.4
2000	Hamtramck <sup>b</sup>	22,976	3,430 (14.9)	300 (1.3)	14,872 (60.0)	24.1
2000	Highland Park <sup>b</sup>	16,746	15,598 (93.1)	95 (0.6)	688 (4.0)	32.1
2002	Flint <sup>b</sup>	124,943	66,231 (53.0)	3,742 (3.0)	50,020 (40.0)	22.9
2002	Ecorse <sup>b</sup>	11,229	4,533 (40.4)	1,004 (8.9)	5,313 (47.3)	21.7
2008	Three Oaks <sup>c</sup>	2,574	26 (1.0)	76 (3.0)	2,406 (93.5)	13.2
2009	Highland Park <sup>c</sup>	11,776	10,955 (93.0)	156 (1.3)	347 (3.0)	40.3
2011	Ecorse <sup>c</sup>	9,512	4,375 (46.0)	1,278 (13.4)	3,476 (36.5)	28.4
2011	Pontiac <sup>c</sup>	59,515	30,384 (51.1)	9,835 (16.5)	15,815 (26.6)	31.7
2012	Allen Park <sup>c</sup>	28,210	588 (2.1)	2,274 (8.1)	24,643 (87.4)	6.0
2013	Benton Harbor <sup>c</sup>	10,038	8,899 (88.7)	220 (2.2)	641 (6.4)	44.8
2013	Flint <sup>c</sup>	102,434	57,451 (56.1)	3,976 (3.9)	36,537 (35.7)	35.5
2013	Detroit <sup>c</sup>	713,777	586,573 (82.2)	48,679 (6.8)	55,604 (7.8)	33.9
2013	Hamtramck <sup>c</sup>	22,423	4,285 (19.1)	328 (1.5)	11,876 (53.0)	37.5
2013	Lincoln Park <sup>c</sup>	38,144	2,172 (5.7)	5,676 (14.9)	29,102 (76.3)	15.6

Note:

<sup>a</sup> Data from 1990 Decennial Census.

<sup>b</sup> Data from 2000 Decennial Census.

<sup>c</sup> Race and ethnicity data from 2010 Decennial Census; poverty data from the 2009–2013 ACS. We used data from the categories for “White alone/ not Hispanic or Latino”; “Black or African American alone/ not Hispanic or Latino”; and “Hispanic or Latino/ all races”. Poverty category was “Families/ income below poverty level,” for all family categories.

### 1.1. Background: the logic and scope of emergency management policy

Cities in America's Rust Belt, a region that encompasses Midwestern states such as Michigan, continue to grapple with prolonged economic stagnation and decline that stem from business loss and relocation, among other factors (Alder, Lagakos, & Ohanian, 2014). In the seminal book on the *Origins of the Urban Crisis*, Sugrue (2005) demonstrates how industrialized cities, such as Detroit, were especially hard hit after corporate decisions to relocate plants and to automate production shrank industrial employment. The impact of employment loss was especially devastating for African Americans because historical redlining policies restricted financial lending on the basis of race, and restrictive covenants forbade the sale of homes to racial minorities. These factors contributed to highly segregated neighborhoods and lack of geographic mobility for the African American community in particular. Other policies that subsidized the construction of interstates and residential suburbs incentivized continued white flight away from urban areas thus further isolating communities of color, particularly low-income individuals, in urban areas (Massey & Denton, 1993; Sugrue, 2005). Thus, at the same time that racial minorities began to gain political power in urban areas, their access to financial resources declined. In many Rust Belt cities these changes, combined with ongoing reductions in federal and state revenue-sharing with municipalities and the recent housing foreclosure crisis (Coe, 2008; Kasdan, 2016; Scorsone, 2014), have culminated to create severe, multifaceted municipal economic crises that local leaders found difficult to manage via available policy mechanisms (e.g., raising taxes).

The use of EM laws to respond to financial crises is not a new phenomenon; it began during the Great Depression. In fact, EM laws are relatively common: At least 16 states have some form of EM mechanism, among them Rhode Island, Illinois, Indiana, New Jersey, and Ohio (Scorsone, 2014). Recently the Governor of New Jersey appointed an EM to address a fiscal crisis in Atlantic City, New Jersey (McGeehan, 2015). Several states have special legislation that addresses state intervention in a local fiscal crisis on a case-by-case basis (Anderson, 2012; Scorsone, 2014). Scorsone (2014) discusses in detail the economic factors that activate EM laws. Broadly, these laws may come into effect when a city is at risk of defaulting on debt or pension payments or has insufficient cash to make payroll or bond payments (Scorsone, 2014). The solution to such financial emergencies focuses upon the alleviation

of fiscal problems through a reduction in local spending, implemented by a state-appointed emergency manager. Structural problems, such as the loss of revenue through the declines in tax base, population, state revenue sharing, and industrial unemployment, are largely ignored (Fasenfest & Pride, 2016).

Though EM laws are not a recent development, they are prompting new questions about appropriate policy responses to financial emergencies in distressed urban areas (Anderson, 2012; Scorsone, 2014; Skidmore & Scorsone, 2011). The attainment of social justice requires both a fair process in which the people who are impacted by policy have influence in shaping it as well as the fair distribution of resources (Reisch & Garvin, 2016). Using a social justice perspective, we summarize some of the critiques of EM laws and processes.

Procedurally, key components of economic restructuring under EM laws may involve development and implementation of a new financial and operations plan *without* requiring democratic consent from, or consultation with, the public or its elected officials (Anderson, 2012; Loh, 2015). Thus, some argue that EM laws reflect undemocratic processes that privilege a market-oriented logic that uses technocratic, “expert”-driven (i.e., the state-appointed emergency manager) decision-making processes, as opposed to decisions reached by democratically elected city government officials, who are often local residents and at a minimum are accountable to local residents through the democratic voting process (Lewis, 2013). Many question whether it is fair for states to use power to strip mayors and city councils of most of their governing power, as often occurs when EM laws are in effect. Loh (2015) describes EM laws in Michigan as an “unprecedented interruption of elected city government” (pg. 2). In addition, there are concerns that an emergency manager is able to renegotiate, terminate, or modify labor contracts, thus potentially weakening the influence of organized labor (Lewis, 2013).

Distributionally, EM laws require cuts to public expenses in order to balance city budgets. Perhaps the most extreme example of this approach came to light in 2015 as a result of the Flint water crisis. In the Flint case, an emergency manager switched the city's water source from the Detroit-supplied Lake Huron pipeline to an alternative water source supplied by the Flint River—a cost-saving measure that culminated in contaminated water and even lead poisoning among the people of Flint (Hanna-Attisha, LaChance, Sadler, & Schnepf, 2016). Despite protests from residents, the emergency manager would not allow the

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