



New Directions in Politics & Public Policy

COLLEGE OF LIBERAL ARTS AND SCIENCES

UNIVERSITY OF COLORADO **DENVER**

**Community Benefits Agreements:**  
**Building the Practice and Exploring Our**  
**Region's Model for the Future**

**June 12, 2025**

# The Gates Cherokee Redevelopment Project: “A huge step forward for low-income people in Denver”



After a three-year campaign, a broad coalition supported in part by *Making Connections Denver* has helped establish a new standard for the community benefits that should be expected when government provides large subsidies to development projects in Denver.

City Councilman Doug Linkhart joins with the Campaign for Responsible Development to support a public subsidy for the redevelopment of the Gates Rubber Company plant.



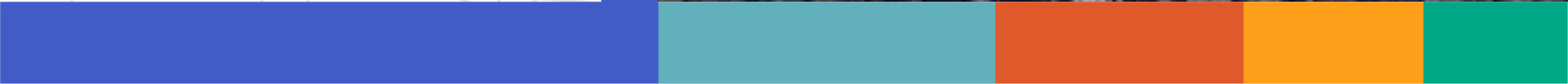
COUNCILWOMAN  
**JAMIE TORRES**  
DISTRICT 3



# District 3 Community Benefits Agreements

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June 12  
CBA Convening



# Broncos CBA | Sun Valley Neighborhood

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- CBA Agreement established in letter by CM Paul Lopez and community stakeholders June 2019
- After the Stadium District master Plan was published the West Side Stadium Community Coalition began to organize
  - Residents, Non-profits, businesses and government
  - Interested in realizing key benefits most important to the community
- Fundraising, Outreach, Under Viaduct Activation
  - Sun Valley Night Market
- Put on hold as pandemic, ownership changed, and uncertainty about long-term interests of new owners.



# Ball Arena CBA | Auraria Neighborhood

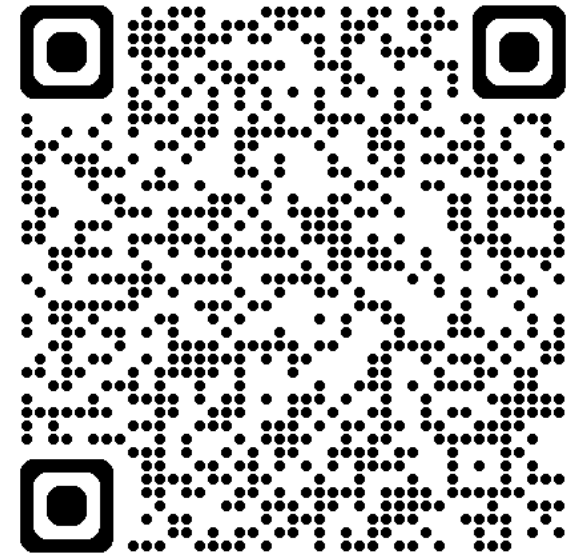
- Role as Council Member
  - Council Does NOT vote on a CBA but critical connection exists
- Proposed to KSE/Ball Arena Team to have a CBA – they agreed and we began to identify who should be on it
  - Surrounding neighborhood reps, Mobility, Auraria Campus reps, Housing, Business, Community
  - Committees: Families, Arts + Culture; Economic Opportunity; Transportation, Infrastructure + Neighborhood Connections; Affordable Housing
  - 18 months of meetings and negotiation
    - Fundraising, Meeting Scheduling, Communication, Legal Support



# Ball Arena CBA / Auraria Neighborhood

- Key Wins

- Affordable Rental, Affordable Homeownership, criteria for unit size
- \$ for anti-displacement assistance
- Business equity goals, Permanent jobs created
- Enhanced bicycle and ped connectivity
- Parks, open space, trails accessible to the public
- Early Learning Center
- Youth internships
- Art commitments
- \$16 Million Dollar Community Investment Fund
  - Support for Indigenous and Displaced Aurarian Communities





# Community Benefits Convening: CBAs and Beyond

**City of Denver**

**June 12, 2025**

Law Office of Julian Gross  
San Francisco, California

## Community Benefits – Ongoing Refinement

- 25+ years of “community benefits” advocacy
- Land use development: transformation of politics and community benefits outcomes
- Public infrastructure construction: refinement of employment, contracting, and career development policies
- Labor/community Coalitions
- Sea change in understandings and priorities

## Community Benefits Movement: *Core Values*

- Inclusivity
- Transparency
- Public Leverage
- Accountability
- Equity

## “Classic” Community Benefits Agreement

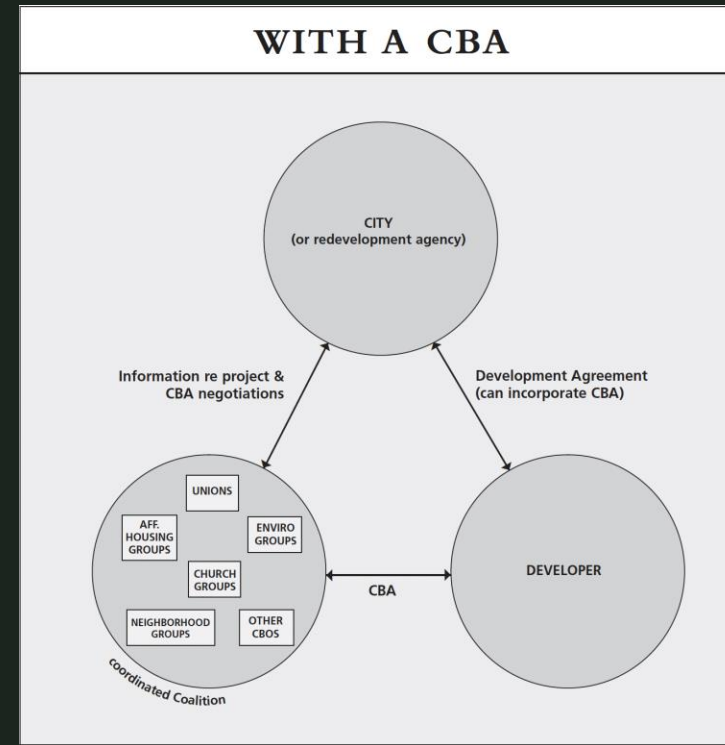
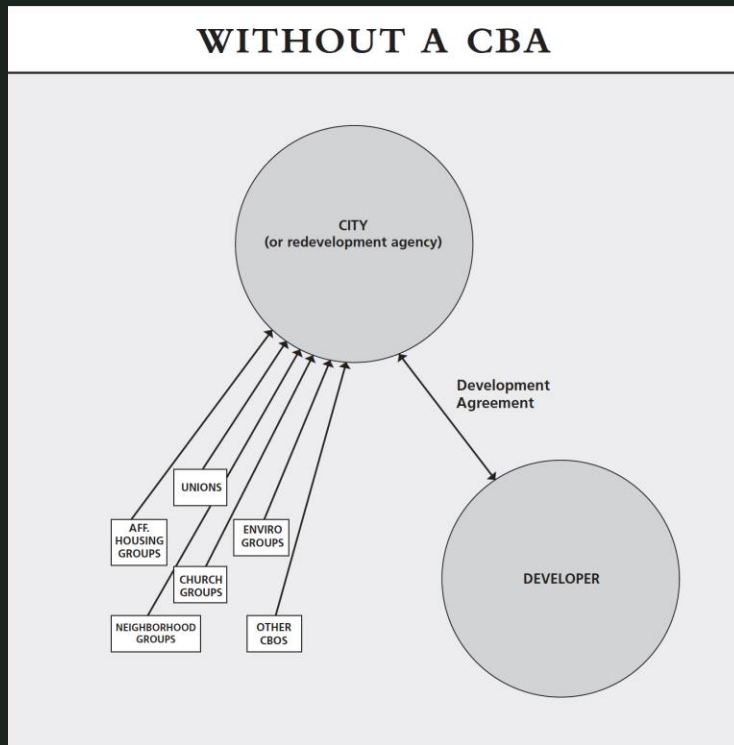
### Definition:

*A private contract* between a developer and a coalition of community-based organizations, regarding a proposed development project.

- *Developer’s commitment*: the project will provide specified community benefits
- *Coalition commitment*: Support of project approval

# “Classic” Community Benefits Agreement

Diagram: Basic dynamics with and without a CBA



## Strengths of CBAs

- Accountability: legally enforceable in both directions
- Inclusivity: Literal seat at the table for representatives of affected communities
- Leads to broad-based project support in challenging situations. [“Abundance”??]
- Democracy-building: builds long-term civic participation

## Challenges and Limitations of CBAs

- Requires strong capacity of community coalition
- Monitoring and enforcement takes resources over long term
- Numerous successors in certain development activities
- Not useful for community members who oppose a project
- Should not supplant responsibility of government to negotiate strongly for interests of whole community

## Session Two – Negotiating Dynamics

# Coalition Capacities

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### The Seven Capacities of Effective Coalitions:

1. Organizing
2. Political Advocacy
3. Research & Writing
4. Media & Communications
5. Legal
6. Fundraising
7. Coordination/Leadership

## Session Two – Negotiating Dynamics

# Approach to Negotiations

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### **Structuring the team:**

- need for internal alignment
- need a small “table team,” which can go back to full team or decisionmakers for key decisions
- need for quick decisions

**Core principle:** The full team needs clear procedures for decision-making and for authorizing table team positions.

**Core principle:** Speak to counterparty with a single voice.

## Coalition Functioning During Negotiations

- Schedule adequate time for meetings in between negotiation sessions
- Need quick turnaround during active negotiations
- Think hard about opening offer – strike a balance
- Tough decisions at end of process
- **Always distinguish negotiation from advocacy!**

## Things That are Unhelpful

- Full draft CBA before negotiations have commenced
- Coalition becomes an incorporated nonprofit organization
- Neutral mediators
- Elected official runs “negotiations” and decides CBA terms
- *Jury is out*: public policies requiring developers to enter into CBA negotiations. (more on this in Session Three!)

# Working with Attorneys

**Clear Roles.** Make sure it is 100% clear whom the lawyer is representing. Use a formal, written retainer agreement – even for pro bono lawyers.

### **Client is in Charge!**

- **Lawyers advise; clients decide!** Remember that the lawyer works for you! Lawyers are under strict rules requiring them to work only to advance their clients' interests as instructed by client. (This is true both for pro bono attorneys and paid counsel. And for public-sector attorneys!)
- If you have any concerns about whether this is occurring, ask questions until you are satisfied with the answers.
- If necessary, instruct your lawyer to refrain from communications with other parties except as specifically instructed – and to report back to you on all conversations.

## Public Roles in Land Use and Community Benefits

### *Land use*

- Leases, Development Agreements, Subsidy Agreements
- All negotiated – not regulatory!

### *Grants and Contracts*

- Public entity sets terms!

### *Public infrastructure*

- Public entity sets terms!

## Public CBA

Definition: a legally-enforceable contract between a private developer and a local government entity centered on community benefits commitments regarding a proposed project

- *a.k.a.* Host Community Agreement
- More common on clean energy projects
- Can be integrated with coalition campaign (or can displace it!)
- Sometimes an *attachment* to a Development Agreement
  - Compare: integrated terms of development agreement

## Minimum Community Benefits Requirements

- Can be established through policies or ordinances
- Can apply to contracts, grants, and negotiated deals
- Examples:
  - Living wage policies
  - Local hiring policies
  - Community benefits fund contributions

## Process Improvements

- Goal: improve process of public entities' negotiation of land use deals
- Increased transparency
  - required hearings and release of info re benefits and public costs
  - required disclosure of complete language in meaningful timeframe
  - see City of Richmond Community Benefits Ordinance
- Community Benefits Plans (CBPs)
- CBA negotiation requirements...

## Session Three – Best Practices and Public Roles

# CBA Negotiation Requirements

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- Great intention; challenging details
- Tough Qs:
  - Who is the developer required to negotiate with?
  - What happens if negotiations fail?
  - How does City decide that the effort was good enough?
- Best examples:
  - Biden-era clean energy reqs
  - State of California/DTSC site cleanup
  - City of Detroit

## Community Benefits in *Public Infrastructure*

- Focus on Procurement (*vs regulation or negotiation*)
- Targeted Employment
- Targeted Contracting
- Project Labor Agreements (PLAs) and Community Workforce Agreements (CWAs)
- Workforce Development Investments

## Community Benefits in *Clean Energy Transition*

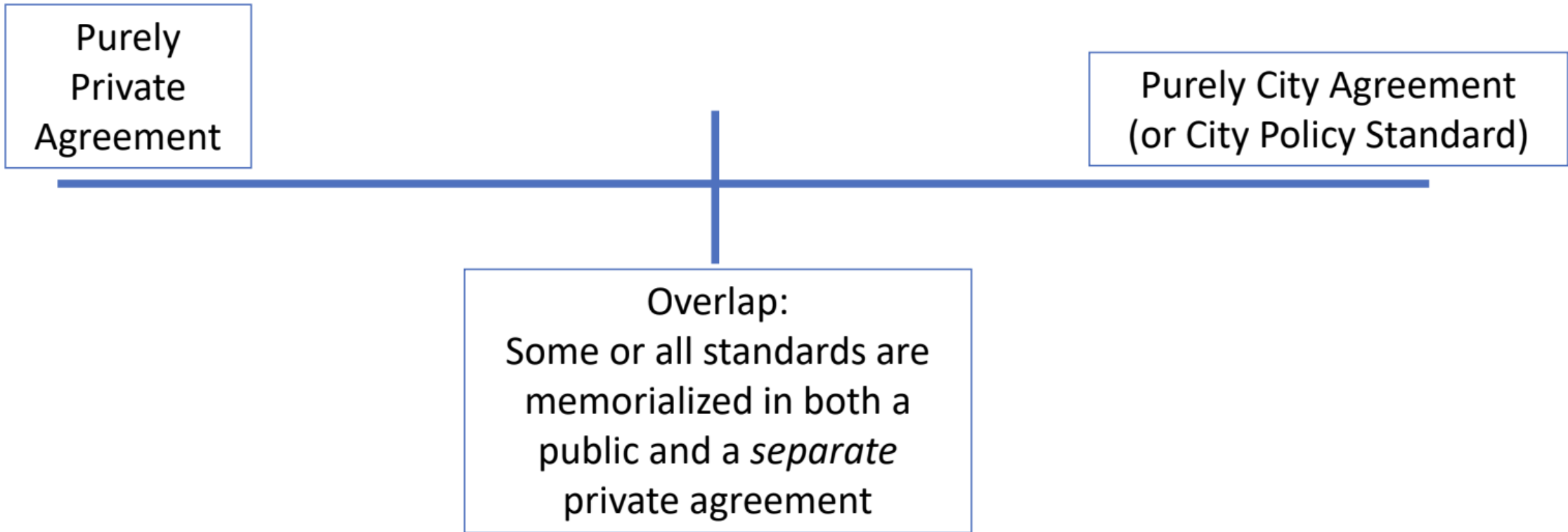
- Mega-projects
- Public support/public benefits
- Many projects in one
- Different context from urban setting of traditional CBAs
- Community receptivity is primary issue
- Offshore Wind example

# Thank you!

## More in the Q&A! Or we can go into Deeper Dive slides...

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# Range of Legal Enforceability of Agreements on Community Benefits



## *RK: Types of Community Benefit Approaches*

### *Community Benefits Agreements*

- Private agreement (“Private CBA”)

### *Community Benefits Policy*

- Public policy encouraging CBA negotiations

### *Parcel-Specific Community Benefit Standards (“Public CBA”)*

- Public RFP, site specific ordinance, or contract standard specific to a certain site or project.

### *Community Benefit Standards*

- Public policy on one particular benefit that applies to all similarly situated projects into the future

## Deeper Dive: Targeted Employment Policies

*Targeted employment policy*: requirements to direct employment or training opportunities to specific categories of workers

Typical approach is percentage goal plus “process compliance” option

Categories may include:

- “historically disadvantaged”; BIPOC workers; women; First Nation citizens; local residents; disadvantaged workers; low-income neighborhoods; formerly incarcerated; etc.

Targeted hiring policies usually are applied in the construction sector, but can work well for non-construction jobs

Connection to union systems (esp. under a PLA) and training pipelines (pre-apprenticeship → apprenticeship → job site)

## Deeper Dive: Targeted Contracting Policies

- Construction vs. non-construction
- Primes vs subs
- Focus on business ownership
- Possible categories:; small/local; disadvantaged; Tribal businesses; DBE (for fed funded)
- Possible relationship with Project Labor Agreements
- Need for business development assistance/capacity building

## Deeper Dive: Project Labor Agreements (Slide 1 of 4)

A Project Labor Agreement is a specialized type of labor agreement, covering project construction. It is a *contract*, not a law, policy, or regulation.

Project Labor Agreements are not “form contracts” – they are negotiated agreements. Negotiation requires balancing *multiple policy objectives*.

*Can't be union-only!*

Terminology:

- Project Labor Agreement (PLA)
- Community Workforce Agreement (CWA)

## Deeper Dive: Project Labor Agreements (Slide 2 of 4)

### Basic Bargain:

- Project Owner gets:
  - assurance of labor peace and project support
  - possible advancement of workforce goals
- Unions get:
  - Broad application of terms of collective bargaining agreements
  - Larger proportion of jobs to union workers and contracts to union contractors

## Deeper Dive: Project Labor Agreements (Slide 3 of 4)

Project Agreements *override* terms of collective bargaining agreements.

This provides a unique opportunity to promote targeted hiring, and get multi-party agreement regarding hiring procedures across a public infrastructure project.

## Deeper Dive: Project Labor Agreements (Slide 4 of 4)

Recurring concerns regarding equity and inclusion

*questions of inclusivity for non-union workers and contractors*

Can be mitigated through PLA details:

- implementation of targeted hiring requirements
- Inclusion opportunities for targeted contractors
  - flexibility
  - core workers
  - carve-outs

## CBA Example

### Staples/LA Live CBA: Community Benefits Commitments:

- Local hiring policy (first source system)
- Worker retention policy
- Twenty percent affordable housing requirement
- Funding for needs assessment for parks and open space
- Funding for recreation facility
- Responsible business policy for contractors and tenants
- Open space commitments
- Residential parking program
- Living wage goal & incentive program
- Oversight Committee; monitoring and enforcement requirements