November 23, 2011

Mr. Shaun Donovan
Secretary
U.S. Department of Housing and Urban Development
451 7th Street S.W., Washington, DC 20410


Secretary Donovan:

First, I would like to acknowledge the hard work and thoughtfulness that are apparent in the Draft – 2012-2015 Environmental Justice Strategy for the U.S. Department of Housing and Urban Development. Your analysis of relevant statutes and regulations, HUD programs, and interagency collaborations, demonstrates a level of agency introspection and consideration that the public can be proud of as you address this urgent matter.

As you know, the adequacy of housing and the proper development of communities are absolutely critical determinants of the health of countless Americans. Beyond the moral imperative, seeking justice in the built environment is an essential effort for the elimination of the disproportionate burden of illness in many low-income and minority neighborhoods and dwellings. The Draft – 2012-2015 HUD Environmental Justice Strategy does a great job of outlining the modifications and strategies within the existing agency structure, programs and processes that could respond to the call for environmental justice.

We comment to propose two important ways that the strategy could be even more effective. First, HUD could identify ways to leverage its role supporting community development and increasing access to affordable housing in order to create adequate living environments. Second, HUD should clearly identify and partner with critically related disciplines that are necessary partners for achieving justice in this arena.

Below, we have highlighted four improvements in the strategy as examples of how HUD can take a more assertive and interdisciplinary approach in its efforts to achieve environmental justice. Through these comments we hope to assist HUD in creating an environmental justice strategy that goes beyond aspirational goals to outline actionable plans including a range of critical community partners.

Strategic Elements Warranting Further Consideration

Statutes, Regulations, and Practices that Advance Environmental Justice Agency-Wide

A2. Ensuring Quality of Place

HUD should leverage its role in subsidizing rent to ensure a quality dwelling space in all its HUD-assisted housing—including new construction, rehabilitation and continuing subsidies. The Site and Neighborhood Standards reference a prohibition on neighborhoods that are “seriously detrimental to family life or in which substandard dwellings or other undesirable elements
predominate.” With such a compelling definition, it is disconcerting that the strategy does not outline efforts for achieving environmental justice in existing HUD-assisted housing. For the greatest yield, HUD should consider the application of these standards to existing HUD-assisted housing. To that end, HUD should tie federal housing subsidies for these existing housing units to efforts aimed at improving the living environment. Additionally, HUD should use the same process by which it evaluates these Site and Neighborhood Standards to identify these neighborhoods for the public record, as well as targeting them for funding toward urban development.

A4. Promoting fairness, equity and non-discrimination, and equal opportunity:

With limited agency resources, HUD should look to interdisciplinary partnerships to assist in ensuring fairness, equity and non-discrimination in housing. HUD is charged by law to implement and enforce a range of laws, executive orders, regulations, and related issuances—collectively referred to as the Civil Rights Related Program Requirements (CRRPRs).

In utilizing a more interdisciplinary approach to environmental justice issues in housing, HUD should partner with existing community organizations to assist in the enforcement of these legal program requirements. Specifically, medical-legal partnerships (MLPs) are non-profit or private entities capable of understanding the environmental justice health impacts that accrue with violations of the CRRPRs. MLPs reorient health and legal services to early detection and preventive care through the training of students, residents and practicing physicians and legal providers. MLP teams leverage health and legal expertise to improve local, state and federal laws and regulations that impact the health of vulnerable populations. Because these MLPs already work collaboratively to address such violations that impact the health of community members, they are ideal partners for the agency in this effort.

Additionally, HUD should offer its clear interpretation of the nexus between these aforementioned civil rights and environmental justice. In doing so, such community partners could more effectively work in concert with the agency to assist in enforcement efforts through the law.

HUD Program Office Efforts that Advance Environmental Justice

Community organizations and partners such as MLPs could be particularly helpful in coordinating with HUD Program Office efforts to advance environmental justice.

P1. Build Inclusive and Sustainable Communities Free From Discrimination

As the HUD Program Offices seek to build inclusive and sustainable communities, the strategy should explicitly state the role of non-governmental collaboration in that effort. The strategy notes that the HUD Office of Fair Housing and Equal Opportunity (FHEO) is responsible for enforcing compliance with Site and Neighborhood standards and the Fair Housing Act. Again, MLPs and other similar organizations have experience in working to limit the disproportionate impact of environmental harms on low income and minority populations by serving as their legal representatives. By coordinating efforts, both these community organizations and HUD program offices—here, FHEO—would maximize resources and send consistent, reinforced messages about the commitment to achieving environmental justice throughout our communities.
P2. Promote Healthy Homes free from Environmental and Health Hazards

Inadequate and unhealthy housing conditions are a significant public health issue. As such, an extensive collaboration of government agencies, community organizations, and other professionals would be best suited to address the breadth of the problem. The Strategy clearly outlines how the HUD Office of Healthy Homes and Lead Hazard Control sets programs and policies to reduce health and safety hazards in housing, with a particular focus on protecting the health of children and other sensitive populations in low-income households. By aligning with doctors and attorneys in the community—as could be achieved through organizations like MLPs—HUD would receive necessary information on the concentration of unhealthy housing and real accounts of the corresponding health impact. Additionally, HUD can coordinate with an entire workforce of public health, legal, and healthcare professionals who are as passionate about promoting healthy homes as the agency. For example, coordination with such organizations and professionals would be an appropriate and impactful recommendation to Safe and Healthy Homes Investment Partnerships (SHHIP) communities.

We thank you for your consideration of these comments as you finalize the HUD 2012-2015 Environmental Justice Strategy. It is no exaggeration that your efforts in this strategy will be the foundation for the building of stronger, healthier communities throughout the country. Organizations like the Health Justice Project stand prepared and excited to serve as a partner to HUD in the execution of this critical strategy.

Sincerely,

Bryant Cameron Webb
Student Attorney
Health Justice Project*
Chicago, IL

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* The Health Justice Project at Loyola University Chicago School of Law is a medical-legal partnership in which JD students and attorneys collaborate with community healthcare providers to identify and address social and legal issues that negatively impact the health of low-income patients. Once identified, law students and pro bono attorneys in the Health Justice Project provide legal representation, advice, and referrals to remedy the legal and social issues that negatively impact health.