

September 30, 2011

1                                   **DRAFT - 2012 – 2015 Environmental Justice Strategy**  
2                                   **for the U.S. Department of Housing and Urban Development**  
3

4   **Message from the Secretary**

5   The ongoing housing and economic crisis has touched every family in one way or another – but  
6   for low-income and minority communities, it’s been particularly devastating. Not only have  
7   these communities watched as nearly two decades of economic gains were rolled back in a  
8   matter of months, but they are also uniquely vulnerable to pollution, unsafe drinking water and  
9   other environmental and public health hazards.

10   The Obama Administration believes that all communities deserve the same degree of protection  
11   from environmental and health hazards, equal access to the Federal decision-making process, and  
12   a healthy environment where they can live, learn, and work.

13   That’s why I’m proud that HUD was one of 17 agencies to recently sign the *Memorandum of*  
14   *Understanding on Environmental Justice and Executive Order 12898*. Built on a 1994 Executive  
15   Order that directed a range of federal agencies to make environmental justice central to their  
16   missions as part of the Environmental Justice Interagency Working Group, this MOU brings  
17   more federal partners to the table, adopts a charter, and provides guidance to help communities  
18   achieve better results for families.

19   This work builds on progress we’ve already made – particularly in areas like childhood lead  
20   poisoning, where we’ve reduced the number of children with lead poisoning by 75 percent over  
21   the last decade. But the job’s not over. Given that these hazards are most prominent in older  
22   housing stock where many low-income communities live, HUD’s engagement on this issue has  
23   been essential. That’s why *HUD’s 2010-2015 Strategic Plan* included a commitment to improve  
24   health outcomes and promote communities that are healthy, sustainable, affordable, and  
25   inclusive.

26   What makes this MOU unique is that for the first time, it recognizes that keeping our families  
27   healthy is not just about the quality of the homes themselves – but where they are located.  
28   Indeed, right now we can predict a child’s life expectancy by the zip codes he or she grows up in.

1 Major contributors to this tragedy include higher rates of childhood obesity, increased air  
2 pollution, and a lack of open space, to name just a few.

3 HUD's 2011 Environmental Justice Strategy responds to these challenges by expanding  
4 "geographies of opportunity." Through our Choice Neighborhoods initiative and the  
5 sustainability grants we awarded to communities in 2010, HUD is already helping to lay the  
6 foundation for healthy, inclusive, and more sustainable communities – creating walkable  
7 neighborhoods with sidewalks, preserving and protecting parks and other open spaces, and  
8 helping metro regions reduce traffic congestion and commute times by developing  
9 comprehensive transportation and housing plans that bolster economic growth.

10 All this work reflects a core belief: that when you choose a home, you do not just choose a home.  
11 You choose a community and the choices available in that community – including how healthy  
12 and safe that community is. With President Obama's leadership and this Environmental Justice  
13 strategy, we're committing to working together with federal, state, and local partners to ensure  
14 that every neighborhood is vibrant and safe, and provides a healthy future for our children.

15

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Shaun Donovan

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## 1 **Executive Summary**

2 **Background and History:** The American Dream is that where one lives should not limit one's  
3 aspirations, and that everyone should have access to a healthy and sustainable community in  
4 which to live, work and play. This vision animates The Department of Housing and Urban  
5 Development's (HUD) work, and it is closely tied to environmental justice. When HUD was  
6 created in 1965, its charter recognized that the agency ought to not only be about housing but  
7 also about the cities, neighborhoods, and communities where that housing was located. To that  
8 end, HUD has made great strides in addressing lead hazards, fighting housing discrimination,  
9 and strengthening communities.

10

11 For HUD, environmental justice (EJ) means equal access to safe and healthy housing by all  
12 Americans; mitigating risks to communities in disaster-prone areas; providing access to  
13 affordable, accessible, quality housing free of hazards to residents' health; and working to  
14 achieve inclusive, sustainable communities free from discrimination. This overlaps with several  
15 of the core goals in HUD's 2010-2015 overall strategic plan. It also builds on a strong history  
16 since HUD's initial EJ Strategy, crafted in 1995 in response to Executive Order 12898. That  
17 Strategy focused on four areas: empowerment zones/enterprise communities; childhood lead  
18 poisoning; brownfields redevelopment; and farmworkers and colonias. The greatest successes  
19 were in the area of lead poisoning prevention, primarily through HUD's Office of Healthy  
20 Homes and Lead Hazard Control, where programs have contributed to a reduction in childhood  
21 lead poisoning cases by 70% between 1992 and 2010, and over 335,000 housing units being  
22 made lead-safe over the past 15 years.

23

24 **HUD's 2012 EJ Strategy:** The environmental justice strategy described in this document is  
25 guided by four key principles: a comprehensive, holistic approach to problem-solving; tribal  
26 consultation; fairness, equity and non-discrimination, and equal opportunity; and transparency  
27 and accountability. It is strongly influenced by comments received by HUD staff at regional  
28 listening sessions organized by the Interagency Working Group on Environmental Justice  
29 (IWG), input from HUD staff and stakeholders, and discussions with IWG representatives.

30

1 Some of HUD's approaches to environmental justice are carried out on an agency-wide level  
2 through statutes and agency regulations. HUD informs potential and successful applicants for  
3 funding of their obligations around environmental justice compliance through Notices of  
4 Funding Availability (NOFAs), and encourages applicants to pursue environmental justice  
5 principles. HUD's Environmental Review policies and *Site and Neighborhood Standards*, offer  
6 another mechanism by which to promote environmental justice. HUD will review and evaluate  
7 the administration of its environmental policies in the next few years, and will develop and  
8 deliver special training for HUD and grantee staff on environmental justice. Another agency-  
9 wide mechanism for the Department to promote environmental justice is its commitment to  
10 promoting fairness, equity, and non-discrimination, particularly through HUD's statutory  
11 obligation to Affirmatively Further Fair Housing. HUD competitive grantees must take steps to  
12 affirmatively further fair housing as described in the Department's regulations and NOFAs.  
13 HUD formula grantees must also certify that they will affirmatively further fair housing. As part  
14 of the effort to ensure that fair housing policies and practices are consistent with 21<sup>st</sup> century  
15 realities, HUD is currently examining how to improve its guidance and planning requirements to  
16 effectively guide grantees toward creating fair housing plans which will open up more  
17 opportunity-rich housing choices to all families, including families with members who are  
18 limited English proficient and families with members that are persons with disabilities. Also,  
19 HUD's commitment to tribal consultation provides opportunities to act on the environmental  
20 justice principle of public participation, particularly on the part of communities that have  
21 historically borne inordinate levels of environmental risk. The Office of Native American  
22 Programs is leading the charge to ensure that HUD's Tribal Consultation policy is up-to-date and  
23 applied across all relevant HUD programs, policies, and actions.

24  
25 HUD will also continue to advance environmental justice through the efforts of several specific  
26 program offices. The Office of Fair Housing and Equal Opportunity works to prevent  
27 discriminatory practices that have often relegated minorities to areas of adverse environmental  
28 conditions and low opportunity. The Office of Sustainable Housing and Communities works to  
29 foster thriving, inclusive, sustainable, economically-vibrant places free of discrimination. It pays  
30 particular attention to historically marginalized groups, both through an emphasis on equity and  
31 public engagement and through its upcoming Regional Fair Housing and Equity Assessment

1 Pilot. The Office of Public and Indian Housing—Public Housing Investments, through its  
2 Choice Neighborhoods Program, encourages applicants to consider the environment, energy  
3 efficiency, and sustainability in proposals for community transformation.  
4

5 The Office of Healthy Homes and Lead Hazard Control builds on its remarkable achievements  
6 mentioned previously, and is now engaged in retrofitting tens of thousands of housing units for  
7 health and energy efficiency improvements. The Office of Policy Development and Research  
8 provides crucial research and data, including the provision of geospatial mapping tools around  
9 disaster assistance planning and the distribution of opportunity. Finally, the Office of Public and  
10 Indian Housing—Office of Native American Programs administers the programs that provide  
11 housing and community development funds to Indian tribes and works with other HUD offices to  
12 familiarize them with the requirements of Tribal Consultation. HUD, through its various program  
13 offices, also works in a number of interagency collaborations relating to creating more  
14 sustainable and equitable communities and improving public health outcomes.  
15

16 HUD will post this draft strategy online for public comment on September 30, 2011, with a final  
17 version posted by February 11, 2012, the anniversary of Executive Order 12898. Beginning in  
18 2012, HUD will provide a report on progress in carrying out this strategy and EO 12898 each  
19 year on February 11, with meaningful opportunities for public comment and recommendations.

## 1 **Vision Statement**

2 The American Dream is that where one lives should not limit one's aspirations. But in too many  
3 communities, environmental and public health hazards lead to increased disease and mortality  
4 rates and poor quality of life. The goal of this Administration is to ensure that everyone has  
5 access to a healthy and sustainable community in which to live, work and play. A primary focus  
6 has been to open up new opportunities to people all across America, especially those who are  
7 struggling to achieve economic security.

8  
9 Since 1994, we have learned how to better realize healthy and sustainable communities in places  
10 with disproportionate exposure to environmental hazards. In addition to making environments  
11 safe and clean from pollution, Federal agencies have improved the coordination of their efforts to  
12 provide overburdened communities with access to environmental, public health and economic  
13 benefits that contribute to healthy and sustainable communities. Continuing this approach helps  
14 ensure that we fully address adverse human health and environmental effects in overburdened  
15 communities, legacy pollution problems rooted in historical discrimination, and cumulative  
16 impacts. By doing this, we will increase the resiliency of communities across the United States,  
17 and ensure that all communities participate in, and benefit from, the twenty-first century  
18 economy. HUD has a key role to play in addressing these issues and achieving Environmental  
19 Justice in the 21<sup>st</sup> Century.

20

21 For HUD, environmental justice means equal access to safe and healthy housing by all  
22 Americans, mitigating risks to communities in disaster-prone areas, access to affordable, quality  
23 housing free of hazards to residents' health, and working to achieve inclusive, sustainable  
24 communities free from discrimination.

25

26 In order to focus Federal attention on the environmental and human health conditions in  
27 vulnerable communities, the Administration has reconvened the Interagency Working Group on  
28 Environmental Justice in order to reaffirm its commitment to EO 12898, *Federal Actions to*  
29 *Address Environmental Justice in Minority Populations and Low-Income Populations*, signed by  
30 President Clinton in 1994. Under EO 12898, each Federal agency is responsible for making  
31 "achieving environmental justice part of its mission by identifying and addressing, as

1 appropriate, disproportionately high and adverse human health or environmental effects of its  
2 programs, policies, and activities” on low-income, minority and indigenous populations.

3 This document describes HUD’s strategy for achieving environmental justice through its  
4 policies, programs, and activities.

5

## 1 **Introduction**

2 HUD's commitment to communities goes back to the agency's founding. When HUD was  
3 created in 1965, its charter recognized that the agency ought to not only be about housing but  
4 also about the cities, neighborhoods, and communities where that housing was located. Since  
5 1970, HUD has implemented *Site and Neighborhood Standards* for newly constructed and  
6 rehabilitated affordable housing, requiring that such units be located in areas with access to  
7 amenities like transportation, educational and health facilities. Over the years, however, that goal  
8 has not always been met. Furthermore, while attention is paid to site and location considerations  
9 for development of new federally-assisted housing in attempts to avoid building new properties  
10 in overburdened areas, federal housing investments that were made decades ago remain  
11 important as part of the full complement of affordable housing available for meeting local  
12 housing needs as well. Recognizing the need to find ways to remediate existing cases of  
13 disproportionate exposure to hazards and to address the lack of access to opportunities for  
14 federally-assisted housing residents in overburdened communities are critical aspects of  
15 achieving environmental justice. It is part of HUD's mission to ensure that the communities that  
16 support and surround those investments are healthy, sustainable, and provide for access to  
17 amenities, services, and opportunities.

18 Since the signing of the 1994 Executive Order 12898, *Federal Actions to Address Environmental*  
19 *Justice in Minority Populations and Low-Income Populations*, HUD has made great strides in  
20 addressing lead hazards and contributing to drastic reductions in the incidence of childhood lead  
21 poisoning, fighting housing discrimination, and strengthening communities through community  
22 development activities. At the same time, it is clear that there is more work to be done to ensure  
23 that HUD's programs, policies, and activities not only to avoid disproportionately high and  
24 adverse human health or environmental effects on minority populations and low-income  
25 populations, but to seek to achieve environmental justice by supporting and creating geographies  
26 of opportunity in the form of strong, sustainable, inclusive communities and quality, affordable  
27 homes for all.

1 HUD's Strategic Plan: Its Connection to Environmental Justice

2 HUD's mission, *to create strong, sustainable, inclusive communities and quality, affordable*  
3 *homes for all*, clearly reflects principles of environmental justice. For HUD, strong, sustainable,  
4 inclusive communities are resilient communities that can weather the impacts of disasters and  
5 economic downturns, offer residents access to healthy living and amenities such as  
6 transportation, education, jobs, and social services, and are free from discrimination that has  
7 historically limited housing choice and relegated minority populations to low-opportunity areas.  
8 These principles offer an affirmative answer to the challenges that environmental justice  
9 communities face. By encouraging the availability of quality, affordable homes that are both  
10 hazard-free and more energy-efficient, HUD is protecting residents and our environment.

11 The 2010 – 2015 HUD Strategic Plan<sup>1</sup> commits to accomplish the HUD mission through five  
12 core goals:

- 13 1. Strengthen the Nation's Housing Market To Bolster the Economy and Protect Consumers
- 14 2. Meet the Need for Quality, Affordable Rental Homes
- 15 3. Utilize Housing as a Platform for Improving Quality of Life
- 16 4. Build Inclusive and Sustainable Communities Free From Discrimination
- 17 5. Transform the Way HUD Does Business

18 The FY 2010–2015 HUD Strategic Plan allows HUD to scale-up local innovations, lead the  
19 charge, and set the pace for change leading up to HUD's 50th anniversary in 2015. Each of these  
20 core goals will help HUD move forward in achieving environmental justice. Particular elements  
21 of the HUD strategic plan provide greater alignment between agency goals and environmental  
22 justice.

23 *Strengthening the Nation's Housing Market* (Goal 1) requires HUD to forge new relationships  
24 with federal, state, and local agencies across government silos—to assist different regions with  
25 vastly different housing needs. Likewise, *Meeting the Need for Quality Affordable Rental Homes*  
26 (Goal 2) requires us to provide people with the choices they need to seize opportunities for their  
27 families by streamlining the way HUD delivers rental assistance and by building partnerships

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<sup>1</sup> The full 2010-2015 HUD Strategic Plan can be found at:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/cfo/stratplan](http://portal.hud.gov/hudportal/HUD?src=/program_offices/cfo/stratplan)

1 that preserve housing affordability near transit and jobs. Under Subgoal 2D, *Expand families’*  
2 *choices of affordable rental homes located in a broad range of communities*, is Strategy 6:  
3 “Remove local barriers to the expansion of the supply of multifamily homes in strong, safe,  
4 healthy communities through incentives to state and local governments.” Strategy 6 integrates  
5 the values of residential choice and healthy communities, which are central to the Department’s  
6 statutory obligation to affirmatively further fair housing in its housing and urban development  
7 programs under the Fair Housing Act. They are central also to the equal access and equal  
8 treatment requirements of Title VI of the Civil Rights Act of 1964.

9 To *Utilize Housing as a Platform for Improving Quality of Life* (Goal 3), HUD must make  
10 federally subsidized housing a catalyst for investments in education, health, and job training,  
11 while also leveraging the private capital needed to expand housing for the growing number of  
12 seniors and homeless Americans. By bringing to bear mixed-use, mixed-income tools to  
13 transform all housing in a neighborhood and helping communities identify and address  
14 longstanding development challenges through targeted assistance, HUD will *Build Inclusive and*  
15 *Sustainable Communities Free From Discrimination* (Goal 4)—supporting and creating  
16 geographies of opportunity that result in neighborhoods of choice, affirmatively furthering fair  
17 housing laws, and fighting the scourge of concentrated poverty. Under Subgoal 4B, *Promote*  
18 *energy-efficient buildings and location-efficient communities that are healthy, affordable, and*  
19 *diverse*, the Department would promote a healthy and safe living environment. This subgoal is  
20 consistent with HUD’s longstanding site and neighborhood standards under the Fair Housing Act  
21 and Title VI, which encourage investment of HUD assistance in demographically diverse and  
22 healthy areas with good access to jobs, education, services, and recreation. EJ’s emphasis on the  
23 participation of minority and low-income populations in policy making is reflected in strategies  
24 under Subgoal 4C, *Ensure open, diverse, and equitable communities*.

25 To *Transform the Way HUD Does Business* (Goal 5), HUD will not only reform hiring practices  
26 and empower local decision-making, but also provide our customers with the information and  
27 technical assistance they need to better target resources and build their own capacity—taking the  
28 holistic, cross-cutting view of community development required to make the biggest difference  
29 on the ground. Goal 5 incorporates many of the dimensions of a revitalized EJ compliance  
30 effort – including education and training of HUD’s workforce, establishment of rules and

1 systems that are responsive, open, and transparent, and a renewed focus on the customer: the  
2 men and women who experience the impact of HUD's programs.

3

4 HUD's Past Work to Advance Environmental Justice: the 1995 Strategy Update and 1995-2011  
5 Progress

6 In response to Executive Order 12898, HUD crafted the agency's first Environmental Justice  
7 strategy in 1995. The 1995 Strategy highlighted four major program areas:

- 8
- 9 • **Empowerment Zones/Enterprise Communities** – a program that provided needed  
10 resources, flexibility, and coordination among Federal, state, and local governments and  
11 private actors to correct numerous problems in urban and rural communities, including  
12 the range of environmental issues which impede growth and vitality. In line with the  
13 goals of environmental justice, the empowerment zone program targets resources at low-  
14 income and minority areas suffering from pervasive poverty, which often includes high  
15 incidence of crime, and a lack of jobs, corporate capital, adequate public services, healthy  
16 physical environments, strong infrastructures, and affordable housing.
  - 17 • **Childhood Lead Poisoning** – Programs which sought healthy environments in public  
18 housing, lead hazard reductions in low-income and minority neighborhoods, interagency  
19 collaboration (particularly with EPA and CDC), aggressive public education, and  
20 capacity building in local jurisdictions.
  - 21 • **Brownfields Redevelopment** – Programs targeted at the redevelopment and reuse of  
22 contaminated, underused or abandoned, formerly industrial or commercial sites. Since  
23 many of these sites are in central cities, revitalization would particularly benefit low-  
24 income and minority residents who may have suffered the economic and health  
25 consequences of living near blighted buildings and contaminated lands. Reuse would also  
26 take advantage of existing infrastructure and reduce urban sprawl.
  - 27 • **Farmworkers and Colonias** – Focused attention on HUD's continued commitment to  
28 infusing real hope and opportunity for the families in southern border communities. This  
29 included a strategy to: 1) continue working closely with other federal agencies to  
formulate a more comprehensive strategy for the families living along the country's

1 southern border; 2) facilitate existing HUD activities in the colonias; and 3) incorporate  
2 colonias initiatives in HUD's reinvention plan.

3 HUD remains committed to economic development and the 2010-2015 Strategic Plan is a clear  
4 reaffirmation of HUD's commitment to serving communities of greatest need. In addition, some  
5 of the greatest successes from the 1995 *Proposal for Future Strategies* contained in the  
6 Achieving Environmental Justice -- a Departmental Strategy are related to the elimination of  
7 childhood lead poisoning. Nationally, lead poisoning in children has fallen significantly since  
8 this report and continues to fall according to the CDC's National Surveillance Data on lead  
9 testing and elevated blood lead levels (EBLLs).

10 The Lead Safe Housing Rule and Lead Paint Disclosure Rule continue to form the foundation for  
11 the federal government's role in ensuring that lead paint hazards are addressed in all housing  
12 with a particular emphasis on federally funded housing stock. The reduction in the number of  
13 children with elevated blood lead levels over the last 40 years is one of the great public health  
14 success stories of the last century. HUD's involvement in the creation of guidelines to identify  
15 lead hazards and its support for remediation in federal housing stock ensured that this public  
16 health success story did not bypass the nation's most vulnerable children.

17  
18 HUD, primarily through grant programs and other supported activities of its Office of Healthy  
19 Homes and Lead Hazard Control (OHHLHC), has made homes safer and healthier, especially for  
20 children. These programs focus their efforts on addressing high-risk communities, including  
21 economically-disadvantaged and racially concentrated areas of poverty. The neighborhoods  
22 impacted by these grant programs prioritize resources based on age of housing stock, household  
23 income, and prevalence of health conditions due to poor housing conditions. The programs have  
24 a strong track record and have contributed to a significant reduction in lead poisoning cases. The  
25 number of lead poisoned children has been reduced from approximately 890,000 in 1992 to  
26 fewer than 220,000 in 2008. Other OHHLHC programs have helped reduce overall disparities in  
27 the risk of exposure to lead in children based on race, ethnicity, socio-economic status, and  
28 degree of urbanization through its grant programs, enforcement of existing lead laws, and  
29 collaborative work with other federal agencies and the private sector. Over the past 15 years, the  
30 number of units made lead-safe directly through program activities is over 335,000.

1  
2 Further, HUD has broadened the focus of environmental interventions in homes to address other,  
3 non-lead poisoning elements such as the rise in the incidence and prevalence of pediatric asthma  
4 rates. This expansion into non-lead hazards and conditions directly addresses environmental  
5 justice as most studies of pediatric asthma find higher rates among minority and/or low income  
6 families and less access to long-term room care for the treatment of the disease.

### 7 8 9 Guiding Environmental Justice Principles

10 The HUD 2010-2015 Strategic Plan clearly demonstrates the incorporation of environmental  
11 justice principles, many of which are reflected in HUD's mission and programmatic activities.  
12 Key principles guiding the work of HUD and the development of the HUD EJ Strategy in  
13 particular include:

- 14 • **Comprehensive, holistic approach to problem-solving:** HUD's internal Environmental  
15 Justice workgroup is composed of representatives from across HUD's program offices,  
16 including representatives from the field who have been identifying EJ problems as they arise,  
17 working across programs within HUD to find solutions to these problems and to identify  
18 opportunities to collaborate with other federal partners to address local concerns.
  
- 19 • **Tribal consultation:** In 1994, HUD adopted an American Indian and Alaska Native Policy  
20 Statement. On September 28, 2001, the Department issued a more comprehensive Tribal  
21 Government-to-Government Consultation Policy<sup>2</sup> that comports with the enhanced  
22 consultation and coordination requirements expressed in Executive Order 13175,  
23 "Consultation and Coordination with Indian Tribal Governments" (E.O. 13175), which was  
24 signed on November 6, 2000, by former President Clinton. On November 5, 2009, President  
25 Obama signed an Executive Memorandum on Tribal Consultation (President's  
26 Memorandum) directing all Executive Departments and Agencies to engage in regular and  
27 meaningful consultation and collaboration with tribal officials of federally recognized Indian  
28 tribes when developing Federal policies that have tribal implications. HUD is now  
29 reassessing its tribal consultation policy in response to the President's Memorandum, and is

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<sup>2</sup> 66 FR 49784

1 revising it, after appropriate consultation with tribal government officials. The guiding  
2 principles that originally shaped HUD's 2001 Government-to-Government Tribal  
3 Consultation Policy remain viable today. HUD is cognizant of the unique legal and political  
4 relationship that exists between the United States and Indian tribal governments, as  
5 established by the U.S. Constitution, treaties, federal laws, executive orders, and judicial  
6 decisions. HUD strives to honor the government-to-government relationship, promote tribal  
7 self-determination, and ensure that communication and consultation between the Department  
8 and federally recognized Indian tribes are meaningful, and occur on a regular basis.

- 9
- 10 • **Fairness, equity and non-discrimination, and equal opportunity:** An inclusive  
11 community is one in which all people—regardless of race, color, ethnicity, socioeconomic  
12 status, age, disability, or sexual orientation—have access to the same housing, transportation,  
13 health, education, and employment opportunities. Through inclusive development, education,  
14 enforcement of fair housing laws, and participation of historically underrepresented  
15 populations in HUD policies and planning, HUD will affirmatively further fair housing and  
16 the ideals of an open society.
  
  - 17 • **Transparency and accountability:** As part of the Administration's Open Government  
18 Directive, HUD is engaging in efforts implement the three principles of transparency,  
19 participation, and collaboration that form the cornerstone of an open government.  
20 *Transparency* promotes accountability by providing the public with information about what  
21 the government is doing. *Participation* allows members of the public to contribute ideas and  
22 expertise so that their government can make policies with the benefit of information that is  
23 widely dispersed in society. *Collaboration* improves the effectiveness of government by  
24 encouraging partnerships and cooperation within the federal government, across levels of  
25 government, and between the government and private institutions.

## 1 **HUD's 2012 Environmental Justice Strategy**

2 This document was greatly influenced by comments received by HUD staff at regional listening  
3 sessions organized by the Interagency Working Group on Environmental Justice, input from  
4 HUD staff and stakeholders, as well as discussions with Interagency Working Group on  
5 Environmental Justice representatives. To ensure maximum implementation, care was taken to  
6 ensure that this strategy aligns with the 2010-2015 HUD Strategic Plan. The internal review  
7 process also ensured alignment with relevant HUD guiding statutes, regulations and policies. The  
8 public comment period for this Draft Strategy will begin on September 30, 2011 after which  
9 additional revisions are expected.

10

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

12 The principles of Environmental Justice are carried out on an agency-wide level through various  
13 statutes and agency regulations.

14

#### 15 A1. Integrating Environmental Justice into Discretionary Funding Opportunities:

16 The *HUD Reform Act* requires HUD to publish its selection criteria for assistance under any  
17 program or discretionary fund administered by HUD. In accordance with this statute<sup>3</sup>, HUD uses  
18 Notices of Funding Availability (NOFAs), which may require an applicant to submit information  
19 for an environmental review or can be used to screen out proposed projects or sites that pose  
20 unacceptable environmental risks. The NOFA process serves as a method to inform potential  
21 and successful applicants about environmental justice compliance requirements. In addition, the  
22 rating criteria in NOFAs provide an opportunity for HUD to promote environmental justice  
23 principles such as encouraging applicants to offer opportunities for meaningful involvement in  
24 decision-making by traditionally underrepresented populations, encouraging applicants to be  
25 more energy and environmentally conscious, targeting funds to communities of need, and  
26 offering incentives to applicants who compile and disseminate data on disparities across racial or  
27 income groups.

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<sup>3</sup> 42 U.S.C. § 3545(a)(3)

1 For example, as recently as FY 2011 NOFA cycle, HUD has provided the option for HUD  
2 discretionary programs to award competitive “policy priority” points for projects that are  
3 consistent with the Department’s sustainability goals. Elements of sustainability include energy  
4 efficiency, green development, and healthy design. These can be elements of environmental  
5 justice also, particularly when targeted to communities that have historically had limited access  
6 to environmental benefits. The sustainability policy priority reflects the Department’s concern  
7 for environmental integrity reflected in Goals 3 and 4 of the 2010-2015 Strategic Plan.

8 A1.1 In FY 2012 and 2013, the Office of Sustainable Housing and Communities and the Office  
9 of General Counsel -Fair Housing will work with the Office of Departmental Grants  
10 Management and Oversight and relevant program offices to identify ways to further  
11 integrate environmental justice into discretionary funding opportunities. Implementation  
12 options include: revising sustainability and other NOFA priority points to better reflect  
13 environmental justice concerns, introducing a standard EJ provision in the NOFA  
14 General Section, offering information on environmental justice to program offices during  
15 the NOFA development process, and using the interagency clearance process to suggest  
16 edits that strengthen EJ principles, such as meaningful involvement in decision-making,  
17 within individual program NOFAs.

18

19 A2. Ensuring Quality of Place:

20 *Site and Neighborhood Standards* are a cross-cutting requirement found in the implementing  
21 regulations for Title VI (24 CFR 1.4(b)(3)) and various HUD program regulations.<sup>4</sup> In addition  
22 to promoting the expansion of housing opportunities in non-minority areas and the revitalization  
23 of under-resourced minority neighborhoods, at minimum these standards prohibit construction  
24 and, sometimes, rehabilitation, of facilities in neighborhoods that are “seriously detrimental to  
25 family life or in which substandard dwellings or other undesirable elements  
26 predominate.” Moreover, all housing sites “must be accessible to social, recreational,  
27 educational, commercial, and health facilities and services . . . that are at least equivalent to those

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<sup>4</sup> See, e.g., 24 CFR § § 941.202(public housing construction); 891.125 (Section 202 and 811); 983.57 (project-based vouchers construction).

1 typically found in neighborhoods [consisting largely of unassisted housing].” HUD’s *Site and*  
2 *Neighborhood Standards* are thus a mechanism through which HUD can promote the  
3 development and rehabilitation of HUD-assisted housing that maximizes access to opportunity  
4 while minimizing the adverse environmental impacts on minority and low-income populations  
5 these programs serve.

6 A2.1 As the *Site and Neighborhood Standards* only affect new construction or rehabilitation,  
7 HUD will work with other Federal agencies to identify ways to address EJ issues in areas  
8 with existing HUD-assisted housing. (See Interagency Collaboration section)

9

### 10 A3. Clarifying Environmental Justice in Environmental Review Requirements:

11 The Office of Environment and Energy establishes and enforces environmental review policies  
12 and procedures for all HUD programs, ensuring that all HUD programs strive toward achieving  
13 sustainability through environmental compliance with the National Environmental Policy Act of  
14 1969 and other federal laws. It is HUD policy that all property proposed for use in HUD  
15 programs be free of hazardous material, where a hazard could affect the health and safety of  
16 occupants or conflict with the intended utilization of the property. Environmental reviews of  
17 multifamily housing and non-residential property must include evaluation of previous uses of the  
18 site or other evidence of contamination on or near the site to ensure that occupants of proposed  
19 sites are not adversely affected by such hazards. HUD’s environmental procedures require  
20 compliance with Executive Order 12898 as part of the environmental review process for HUD-  
21 assisted project. HUD’s environmental regulations in 24 CFR Part 50 also state the Department’s  
22 policy to reject proposals that have significant adverse environmental impacts and to encourage  
23 the modification of projects in order to enhance environmental quality and minimize  
24 environmental harm.

25 A3.1 HUD will review and evaluate the administration of environmental policies found in 24  
26 CFR Part 51, “Environmental Criteria and Standards,” and environmental justice policy  
27 documents.

1 A3.2 In FY 2012 and 2013, HUD will develop and deliver special training materials for HUD  
2 and grantee staff on environmental justice.

3 The goals of HUD training on environmental justice are primarily based on assuring  
4 compliance with Executive Order 12898. As such, the primary audience is HUD  
5 environmental and program staff who evaluate projects. This is extended to state, local,  
6 and tribal government staff assuming the Department's environmental compliance  
7 responsibilities under 24CFR Part 58.

8 Current training efforts teach the basics of the 1994 Executive Order, including the basis  
9 of authority, the issues covered, the groups that are protected, and how to analyze  
10 impacts. This forges shared understanding around essential questions such as the  
11 definition of environmental justice, whether a project creates an adverse environmental  
12 impact. Future Environmental Justice Training, as part of the environmental compliance  
13 training conducted by the Office of Environment and Energy, will incorporate HUD's  
14 refinement of its Environmental Justice policies.

15 A3.3 HUD will initiate research on the effectiveness of existing environmental noise standards.

16 A3.4 In FY 2012 and 2013 the Office of Housing will reemphasize its environmental review  
17 responsibilities under the Executive Order for all of its project proposals as it has so done  
18 in FY 2011 for its Office of Multifamily Housing Insured project proposals, requirements  
19 under the Specifically when it has been determined that minority and/or low-income  
20 populations would be disproportionately affected by identified adverse environmental  
21 impacts, or when siting of a project raises such questions, the Office of Housing will  
22 advise the applicant of any Environmental Justice concerns including recommendations  
23 on their resolution. In most cases the preferred resolution for which the Office of Housing  
24 will work with the applicant to achieve, would be to modify the project to eliminate or at  
25 least reduce the adverse effects, when feasible. Examples would be to make special  
26 efforts to mitigate noise impacts on a project receiving low-income tax credits or  
27 modifying automobile ingress or egress patterns for a project so as to reduce associated  
28 impacts on an adjoining low-income neighborhood.

29

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

2 It is HUD's mission to promote non-discrimination and ensure fair and equal housing  
3 opportunities for all. In an ongoing effort to provide services and activities in a  
4 nondiscriminatory manner and to affirmatively further fair housing, HUD is charged by law to  
5 implement and enforce a wide array of civil rights laws, not only for members of the public in  
6 search of fair housing in the private market, but also for HUD funded grant recipients and their  
7 intended program beneficiaries as well. HUD is also charged with monitoring particular  
8 programs' compliance with these requirements and, when violations occur, engaging in  
9 appropriate enforcement actions. The array of laws, executive orders, regulations, and related  
10 issuances are collectively known as civil rights requirements and called "Civil Rights Related  
11 Program Requirements (CRRPRs)."

12 HUD-funded grant recipients are obligated under various laws not to discriminate in housing or  
13 services directly or indirectly on the basis of race, color, religion, sex, national origin, age,  
14 familial status, or disability<sup>5</sup>. HUD rules further require that recipients of Federal financial  
15 assistance comply with civil rights-related program requirements (CRRPRs) that affect nearly  
16 every aspect of each program. HUD's non-discrimination requirements are compiled from  
17 several different federal laws designed to protect each individual's right to fair housing and equal  
18 opportunity, including, but not limited to, the following authorities and their respective  
19 implementing regulations: the Fair Housing Act, Title VI of the Civil Rights Act of 1964,  
20 Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community  
21 Development Act of 1974, and Executive Order 11063.

22 A4.1 Affirmatively Furthering Fair Housing

23 Under current regulations, the recipients of virtually all HUD formula grants are required  
24 to conduct an Analysis of Impediments (AI) to fair housing choice within the jurisdiction,  
25 take appropriate actions to overcome the effects of any impediments identified through  
26 that analysis, and maintain records reflecting the analysis and actions in this regard.  
27 Information from the AI must be reflected in Consolidated Plans and Annual Action

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<sup>5</sup> The Indian Housing Block Grant and the Indian Community Development Block Grant programs have certain waivers or exemptions from aspects of Fair Housing and Non-Discrimination requirements.

1 Plans. In addition, PHAs must assess their own programs for impediments to fair  
2 housing choice. HUD is in the process of refining its fair housing planning requirements  
3 to help grantees improve access to opportunity, create inclusive communities, and foster  
4 true housing choices for all. At the heart of this updated approach is a more focused  
5 incorporation of fair housing principles and data in HUD's planning requirements and  
6 policies. This new, more proactive approach will rely more on tailored guidance to  
7 localities, including HUD's provision of relevant data to analyze and guidance to inform  
8 localities how they may effectively conduct analyses of impediments to fair housing  
9 choice.

10

## 11 A5. Ensuring Integration of Tribal Consultation into HUD's programs and policies

### 12 A5.1 Tribal Consultation Update

13 President Obama's November 5, 2009, Executive Memorandum on Tribal Consultation  
14 directed all Executive Departments and Agencies to engage in regular and meaningful  
15 consultation and collaboration with tribal officials of federally recognized Indian tribes  
16 when developing Federal policies that have tribal implications. While HUD's Office of  
17 Native American Programs (ONAP) administers the programs that provide housing and  
18 community development funds to Indian tribes, many other offices within HUD develop  
19 Federal policy that affects these tribes. ONAP works with these offices to familiarize  
20 them with the requirements of Tribal Consultation and can provide assistance in the  
21 execution of meaningful consultation and collaboration.

## 1 **HUD Program Office Efforts that Advance Environmental Justice**

2

### 3 P1. Build Inclusive and Sustainable Communities Free From Discrimination

4 **Office of Fair Housing and Equal Opportunity:** Environmental justice is, and has long been,  
5 a key part of enforcing civil rights. Discriminatory practices often relegate minorities to areas of  
6 adverse environmental conditions and low opportunity. Under the authority granted to it by the  
7 Fair Housing Act, the HUD Office of Fair Housing and Equal Opportunity (FHEO) is committed  
8 to directly investigating specific instances of such discrimination in the sale, rental, and  
9 financing of housing, and in other housing-related transactions and services. FHEO also works  
10 to affirmatively further fair housing by engaging grantees to create fair housing plans which will  
11 open up more healthy, opportunity-rich housing choices to all people regardless of race, color,  
12 religion, sex, national origin, disability, and familial status. Further, under Title VI of the Civil  
13 Rights Act of 1964, FHEO is charged with ensuring that programs and activities receiving  
14 federal financial assistance do not discriminate on the grounds of race, color, or national origin.  
15 HUD's implementing regulations for Title VI stipulate that applicants for, or recipients of, HUD  
16 financial assistance may not select sites for housing, accommodations, or facilities with the  
17 "purpose or effect of excluding individuals from, denying them the benefits of, or subjecting  
18 them to discrimination . . . on the ground of race, color, or national origin."<sup>6</sup> FHEO's ongoing  
19 monitoring and oversight of Title VI-- including investigating discrimination claims against  
20 recipients of federal assistance and enforcing compliance with Site and Neighborhood standards,  
21 and the Fair Housing Act, including investigating discrimination claims in the private market and  
22 its efforts to advance AFFH concerns—ensures FHEO's role as a pivotal resource for remedying  
23 historical discrimination, promoting integration going forward, and limiting the disproportionate  
24 impact of environmental harms on low-income and minority populations.

25 P1.1 In FY 2012 and 2013, FHEO will continue work on their Fair Housing Initiatives  
26 Program (FHIP) and Fair Housing Agency Program (FHAP).

27

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<sup>6</sup> 24 CFR 1.4(b)(3)

1 **Office of Sustainable Housing and Communities (OSHC):** Sustainable communities provide  
2 access to opportunities for all residents. OSHC is working with the HUD-DOT-EPA [Partnership](#)  
3 [for Sustainable Communities](#) to ensure that such communities are thriving, inclusive,  
4 economically-vibrant places free from discrimination. In FY 2010, OSHC distributed \$98  
5 million in new funding through the Community Challenge Planning Grants and Sustainable  
6 Communities Regional Planning Grant programs to demonstrate how sustainability, economic  
7 prosperity and inclusivity are mutually reinforcing. These programs emphasize incorporating the  
8 Livability Principles<sup>7</sup> into proactive plans that lead to cost-effective solutions, better  
9 environmental outcomes and greater access to opportunity for all households.

10 P1.2 As part of the Sustainable Communities Regional Planning Grant program, all grantees  
11 must complete a Regional Fair Housing and Equity Assessment (FHEA) exercise. The  
12 rationale for the Regional FHEA is the Department's recognition that overcoming  
13 concentrated poverty and racially segregated communities requires a regional approach to  
14 identify and develop coordinated solutions to address unequal access to affordable  
15 housing, employment and educational opportunities, and transportation options, among  
16 other critical needs. The FHEA will address at regional scale the issues of racial/ethnic  
17 segregation, integration, racially concentrated areas of poverty, access to areas of high  
18 opportunity, major public investments that implicate equity issues, and fair housing  
19 issues, services and activities. Beyond the FHEA grant obligation, the Office of  
20 Sustainable Housing and Communities will work with other HUD program offices  
21 to determine how additional federal requirements may be satisfied in the completion of  
22 the FHEA and the relationship of the findings of an FHEA to how public investments and  
23 priorities are rendered.

24  
25 P1.3 In each future funding year for Sustainable Communities programs, OSHC will review its  
26 Notices of Funding Availability to further integrate environmental justice principles into  
27 its Sustainable Communities funding.

---

<sup>7</sup> The Livability Principles can be found at [www.hud.gov/sustainability](http://www.hud.gov/sustainability)

1 P1.4 OSHC will continue to coordinate HUD’s participation in the Interagency Working  
2 Group on Environmental Justice, including participation in stakeholder listening sessions,  
3 coordinating the HUD internal working group on Environmental Justice and identifying  
4 opportunities for interagency collaboration.

5

## 6 **Office of Public and Indian Housing-Public Housing Investments**

7 The *Choice Neighborhoods Program* provides competitive grants to assist in the transformation,  
8 rehabilitation and preservation of public and privately owned HUD-assisted housing as part of an  
9 overall plan to revitalize neighborhoods of concentrated poverty. Eligible applicants (including  
10 Public Housing Authorities (PHAs), local governments, nonprofits, and for-profit developers that  
11 apply jointly with a public entity) can apply for a Choice Neighborhoods Planning or  
12 Implementation grant. Planning grants are grants that enable communities to build the capacity  
13 to undertake a successful neighborhood transformation process. Implementation grants allow  
14 grantees to implement comprehensive neighborhood Transformation Plans. Choice  
15 Neighborhoods grantees create neighborhood Transformation Plans designed to address  
16 interconnected challenges including housing decay and lack of educational prospects,  
17 employment opportunities and crime.

18

19 P1.5 The Choice Neighborhood program will continue to encourage applicants to consider the  
20 environment, energy efficiency and sustainability in their Transformation Plans. Eligible  
21 uses of Choice Neighborhoods Planning Grant funds include planning for “critical  
22 community improvements,” such as the construction or rehabilitation of parks and  
23 community gardens or environmental improvements. Implementation applicants are  
24 given points in the rating process if their proposed developments fulfill requirements of  
25 recognized green rating programs including Enterprise Green Communities, the National  
26 Green Building Standards, Leadership in Energy and Environmental Design (LEED) for  
27 homes (for single family developments) or LEED New Construction (for multifamily  
28 developments); or locally preferred rating systems including Earthcraft, Built Green,  
29 Green Point for Rated Homes, or Earth advantage.

30

1 P2. Promote Healthy Homes free from Environmental and Health Hazards

2 **Office of Healthy Homes and Lead Hazard Control:** Unhealthy and unsafe housing affects the  
3 health of millions of people in the United States, and these concerns disproportionately impact  
4 children, the poor, minorities, people with medical conditions, persons with disabilities, and  
5 older adults. The HUD Office of Healthy Homes and Lead Hazard Control sets programs and  
6 policies to reduce health and safety hazards in housing, with a particular focus on protecting the  
7 health of children and other sensitive populations in low-income households. A comprehensive  
8 Healthy Homes approach takes into account the impact of a variety of hazards in the home that  
9 can affect health and often disproportionately affect EJ communities. Through its Office of  
10 Healthy Homes and Lead Hazard Control, HUD has sponsored research has demonstrated that  
11 multifaceted interventions focusing on mold and moisture problems in existing homes and green  
12 construction and improved ventilation in new homes can improve asthma symptoms in children.  
13 In addition to lead hazard control and remediation, these approaches can include integrated pest  
14 management, and mitigation of moisture and mold and other asthma triggers.

15 P2.1 **Safe and Healthy Homes Investment Partnerships (SHHIP):** In keeping with HUD's  
16 guiding principle of a comprehensive and holistic approach to problem solving, HUD is  
17 creating a certification for communities that coordinate home interventions across  
18 housing, health and energy programs. SHHIP communities will advance environmental  
19 justice by removing the barriers and programmatic impediments to comprehensive home  
20 assessments and citizen-need based coordinated housing interventions. The SHHIP  
21 certification will reward participating communities by awarding them bonus points in  
22 certain HUD funding competitions.

23 P2.2 OHHLHC continues to support a public private partnership known as the Green and  
24 Healthy Homes Initiative (GHHI) pilot. This work will contribute healthy and green  
25 retrofits in low-income housing by addressing substandard housing by effectively  
26 braiding categorically separate (both in terms of funding streams and responsible  
27 government agencies) but mission-related programs; and by leveraging investments of  
28 federal, local, and philanthropic resources. Leading indicators include the number of  
29 GHHI sites established and the number of hazard evaluations completed. Key levers are  
30 the widespread adoption of the GHHI model to eliminate existing health, safety, and

1 energy inefficiencies in the home simultaneously through collaborative efforts and  
2 appropriately braiding federal, state, local, philanthropic, and private sector investments.  
3 Consistent with HUD's commitment to public private partnerships to improve the energy  
4 efficiency and quality standards in low-income housing, HUD will remain an active and  
5 committed partner, with a goal of 3,500 housing units retrofitted by the end of FY 2012.

6 **P2.3 Technical Assistance for Grantees and Identifying Opportunities for Effective**

7 **Advocacy** - HUD/OHHLHC is spearheading the development of an interagency website,  
8 healthyhomes.gov, which will contain substantial content on lead and lead poisoning  
9 prevention. This site is still under development and will be launched in 2012.

10 Combining the resources of five different federal agencies, the "health literacy" targets  
11 low to moderate income audiences. Once launched, the site will continue indefinitely  
12 and will expand its coverage of lead. Environmental justice will be advanced through  
13 this site by providing residents and programs a centralized data base of information and  
14 resources to address home based health hazards.

15  
16 Further, the Office of Healthy Homes and Lead Hazard Control annually assesses the  
17 effectiveness of our multifaceted communications program which is designed to educate  
18 both stakeholders and the public concerning lead poisoning. Childhood lead poisoning  
19 prevention remains the central focus of the integrated, cross media education and  
20 prevention effort, although the outreach effort has expanded over the last several years to  
21 a broader healthy homes agenda.

22  
23 **P 2.4** The Lead Hazard Control and Healthy Homes Programs will contribute healthy and green  
24 retrofits in low-income housing units by providing states and local communities grants to  
25 make housing improvements in the health and safety of that will yield positive health  
26 outcomes for individuals and families.

1 P3. Use Data Tools to expand HUD and Public Knowledge about Environmental Justice  
2 Issues

3 **Office of Policy Development and Research (PD&R):** PD&R provides programs of research,  
4 studies, testing, and demonstrations relating to the missions and programs of the Department.  
5 Research priorities have differed from administration to administration, with varying mixes of  
6 housing studies, housing technology research, demonstrations, HUD program evaluations, and  
7 policy reports. PD&R's research activities are designed to have immediate relevance to the  
8 policy issues facing the Secretary and his principal staff. PD&R also provides analytical  
9 expertise and information resources to help senior HUD staff make informed policy decisions.  
10 For instance, PD&R plays a policy advisory role in preparing HUD's regulatory, budget, and  
11 legislative proposals, and in other activities such as assessing the economic effect of HUD's  
12 regulations and setting performance goals and measures. PD&R provides a valuable service to  
13 researchers and the public by expanding the availability of statistics on housing and urban  
14 development. In addition to the American Housing Survey and State of the Cities Data Systems,  
15 PD&R makes available (1) unique data on the Low-Income Housing Tax Credit; (2) annual  
16 publications of fair market rents (FMRs) and estimates of Area Median Family Income, which  
17 are used as a standards for determining rent and subsidy levels in HUD and other federal and  
18 state housing programs; and (3) a variety of other publications on the characteristics of families  
19 assisted under HUD programs.

20  
21 **P3.1 Disaster Assistance Planning:** In FY 2011 and 2012, as part of a mission assignment  
22 from FEMA to HUD to coordinate housing recovery support function activities, PD&R is  
23 coordinating the preparation of an initial Housing Needs Assessment. This assessment is  
24 estimating the housing impact of the disaster, especially for minorities and vulnerable  
25 populations such as people living in poverty, elderly people, and people with disabilities.  
26 The assessment will also identify gaps in funding for the recovery and identify issues that  
27 should be considered during reconstruction. PD&R is also collaborating with the Office  
28 of the Chief Information Officer (OCIO) to develop a mapping tool to improve planning  
29 and response to disasters. The tool will help expedite the assessment of needs and the  
30 identification of HUD's clients and units affected, as well as units that are available for  
31 rapid re-housing.

1

2 **P3.2 Geospatial Mapping (GIS):** Geocoding, the assignment of geographic coordinates to a  
3 street address or any other physical location, is becoming an important support tool in  
4 HUD’s major initiatives and programs. The use of GIS is enabling the department to  
5 address community concerns and implementing HUD programs in a more accurate and  
6 timely manner, which results in the avoidance or mitigation of undue burdens being  
7 placed on disadvantaged and vulnerable groups. Benefits include: (1) taking full  
8 advantage of detailed and accurate geographic information is enabling HUD to target  
9 resources where and when they are needed most; (2) allowing HUD and communities to  
10 locate foreclosed, bank-owned properties to better leverage HUD programs and other  
11 resources to stabilize affected neighborhoods and housing markets, (3) mapping  
12 information about HUD investments and making that available to the public has made  
13 HUD more transparent and accessible to constituents, (4) helping HUD and its partners  
14 target efforts to expand affordable rental housing opportunities to areas with the greatest  
15 need, (5) expanding access to opportunity neighborhoods by households receiving  
16 housing assistance, (6) enabling the Department to collaborate with other federal agencies  
17 to improve educational, health, economic, environmental and safety outcomes, (7)  
18 allowing HUD to integrate the location of HUD-assisted properties with real-time  
19 disaster information which enables HUD to assess the level of damage to HUD assets and  
20 to assist in the relocation of the Department’s client households.

21

#### 22 P4. Supporting Tribal Self-Governance and Improving Living Environments

##### 23 **Office of Public and Indian Housing-Office of Native American Programs:**

24 On October 26, 1996, the Native American Housing Assistance and Self-Determination Act of  
25 1996 (NAHASDA) was signed into law. It recognizes the right of tribal self-governance and the  
26 unique relationship between the Federal Government and the governments of Indian tribes,  
27 established by long-standing treaties, court decisions, statutes, Executive Orders, and the United  
28 States Constitution. The first funding year was FY 1998.

29

1 P4.1: **Indian Housing Block Grant (IHBG).** NAHASDA changed the way that HUD  
2 provides housing assistance to Native Americans. Its implementation in 1998 eliminated  
3 a number of separate assistance programs and replaced them with a block grant, known  
4 as the IHBG program. The regulations governing the IHBG program<sup>8</sup> were developed  
5 with active tribal participation using the procedures of the Negotiated Rulemaking Act of  
6 1990.

7 NAHASDA authorizes annual formula block grants for eligible Indian tribes or their  
8 tribally designated housing entities (TDHEs) for a range of affordable housing activities  
9 that primarily benefit low-income Indian families living on Indian reservations or in other  
10 Indian areas. The housing must meet the affordable housing requirements of  
11 NAHASDA.

12 NAHASDA has been successful because, in the spirit of self-determination, it encourages  
13 tribes to develop and operate affordable and innovative housing programs based on local  
14 needs. Tribes have the authority to develop new and innovative affordable housing  
15 initiatives that were not eligible under the 1937 Housing Act, including down-payment  
16 and other mortgage assistance programs, transitional housing, domestic abuse shelters,  
17 and revolving loan funds. NAHASDA is also being used in many cases to leverage funds  
18 for affordable housing activities. The result has been an increase in housing opportunities  
19 for many Native American families.

20  
21 P4.2 **Indian Community Development Block Grant (ICDBG).** HUD's ICDBG Program<sup>9</sup> is  
22 authorized by Title I of the Housing and Community Development Act of 1974. The  
23 ICDBG Program provides eligible grantees with direct grants for use in developing viable  
24 Indian and Alaska Native Communities, including decent housing, a suitable living  
25 environment, and economic opportunities, primarily for low and moderate income  
26 persons.

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<sup>8</sup> 24 CFR § 1000

<sup>9</sup> 24 CFR § 1003

1 P4.3 **Environmental Reviews.** In accordance with 24 CFR § 58.1, as the responsible entity,  
2 Indian tribes can and do typically assume the environmental review responsibilities of the  
3 National Environmental Policy Act (NEPA) and other environmental laws and  
4 authorities, including Executive Order 12898. This delegation honors HUD's  
5 commitment to tribal self-governance and tribal self-determination.

## 1 **Interagency Collaborations**

### 2 I1. Partnership for Sustainable Communities – Team EJ:

3 In 2010, the HUD-EPA-DOT Partnership for Sustainable Communities established Team-EJ, a  
4 working group to examine the intersection of sustainable communities and environmental justice.  
5 The working group continues its efforts in 2011 to advance integration of sustainability/livability  
6 principles into environmental justice efforts and to advance integration of environmental justice  
7 (EJ) principles into the work of the Partnership for Sustainable Communities (PSC). In 2012  
8 Team-EJ will:

9 I1.1 Develop and deliver training for environmental justice and sustainability staff and  
10 grantees across the Partnership on the integration of sustainable communities and  
11 environmental justice work

12 I1.2 Identify and highlight best practice projects that have used federal assistance to address  
13 environmental justice concerns using sustainable communities approaches and  
14 sustainable communities projects that have targeted environmental justice communities

15

### 16 I2. Addressing local environmental justice concerns that affect residents of HUD-assisted 17 housing:

18 I2.1 Recognizing that EJ issues affect HUD residents, but HUD may not have jurisdiction in  
19 the areas where problems originate, In FY 2011 and 2012, HUD will initiate work with  
20 the IWG at the Headquarters and Regional and Field Office level to identify interagency  
21 and intergovernmental approaches to address these EJ issues.

22

### 23 I3. Healthy Homes and Communities:

24 Through OHHLHC, HUD has developed jointly with EPA State certification and training  
25 programs for Lead Paint Inspectors, Lead Hazard Risk Assessors, Lead Dust Sampling  
26 Technicians, Lead Abatement Supervisors and Workers, Lead Safe Work Practices, Renovation

1 Repair and Painting training. HUD funded the “Lead Listing” where consumers could locate  
2 certified LBP Inspectors, Risk Assessors, and abatement contractors. After passage of the Lead  
3 Safe Housing Rule in 1999, HUD funded and trained 40 thousand workers in lead-safe work  
4 practices around the U.S.

5 I3.1 Science and Technology: HUD will work with key agencies to analyze the effectiveness  
6 of current lead testing and abatement technology.

7 HUD conducted an evaluation of lead hazard control interventions conducted by  
8 recipients of its initial two rounds of Lead Hazard Control grants. The findings  
9 demonstrated that the “interim control” interventions were effective in reducing dust-lead  
10 levels up to six years after the interventions were completed. HUD also funded research  
11 by the National Institute of Standards and Technology on the performance of spot-test  
12 kits. These research findings, as well as research on the effectiveness of specific cleaning  
13 procedures for lead-contaminated dust, were subsequently used by the EPA in the  
14 development of regulations. HUD also coordinated with Department of Health and  
15 Human Services/the National Center for Health Statistics to collect dust-lead samples in  
16 the homes of participants in the National Health and Nutrition Examination Survey  
17 (NHANES). The published results support the need to possibly lower the current federal  
18 dust-lead standards.

19

20 I3.2 HUD’s Office of Healthy Homes/Lead Hazard Control chairs the federal interagency  
21 Healthy Homes Working Group.

22

#### 23 I4. Tribal Issues Interagency Working Group

24 In 2007, a group of federal agencies assembled an Infrastructure Task Force and signed two  
25 Memoranda of Understanding (MOU) to achieve the commitments made by the United States in  
26 2002 under the United Nations Millennium Development Goals for improved access to safe  
27 drinking water and basic sanitation in Indian Country. Specifically, the United States committed  
28 to reduce the number of tribal homes lacking access by 50% by 2015, moving toward the  
29 Congressional policy of providing drinking water and sanitation services to all tribal

1 communities and homes. HUD participates with the Indian Health Service (IHS), Environmental  
2 Protection Agency (EPA), Bureau of Indian Affairs (BIA) and United States Department of  
3 Agriculture (USDA).

4 The Inter-Agency Infrastructure Taskforce developed a workgroup that has been working to  
5 streamline interagency project planning for tribal grantees. A draft MOU is in process and  
6 should be executed by HUD, IHS, EPA and USDA by the end of the federal fiscal year. The  
7 MOU states that the participating agencies agree to work cooperatively to improve interagency  
8 coordination on the planning for and funding of tribal infrastructure projects. Agency  
9 coordination will focus on:

- 10 A4.1 Project planning and completion of the environmental review process (streamlining for  
11 projects that include multiple sources of federal funds);
- 12 A4.2 Selection and timing of projects to be funded, as appropriate; Housing and Urban  
13 Development (HUD) funded projects are selected and managed by the Tribes themselves;
- 14 A4.3 Funding of identified projects (jointly or by one agency).

1    **Reporting and Accountability**

2    Consistent with the 2011 Interagency Memorandum of Understanding on Executive Order 12898  
3    and Environmental Justice (EJ MOU) which HUD is party to, HUD will:

- 4    •   post this Draft Strategy on its public website and the Interagency Working Group for  
5       Environmental Justice website for public comment on September 30, 2011 and  
6    •   post the final version on both sites by February 11, 2012.

7

8    Also in accordance with the EJ MOU, by the February 11 anniversary of Executive Order 12898  
9    each year, beginning in 2012, HUD will:

- 10   •   provide a concise report on progress during the previous fiscal year in carrying out the  
11       agency's Environmental Justice Strategy and Executive Order 12898 and  
12   •   ensure that meaningful opportunities exist for the public to submit comments and  
13       recommendations relating to the agency's Environmental Justice Strategy, Annual  
14       Implementation Progress Reports, and ongoing efforts to incorporate environmental justice  
15       principles into its programs, policies and activities.