

Environmental Justice, Fair Housing, and Fair Lending: Towards a Strategic Collaborative Model

Strategy Paper Prepared for
Alternatives for Community and the Environment (ACE)
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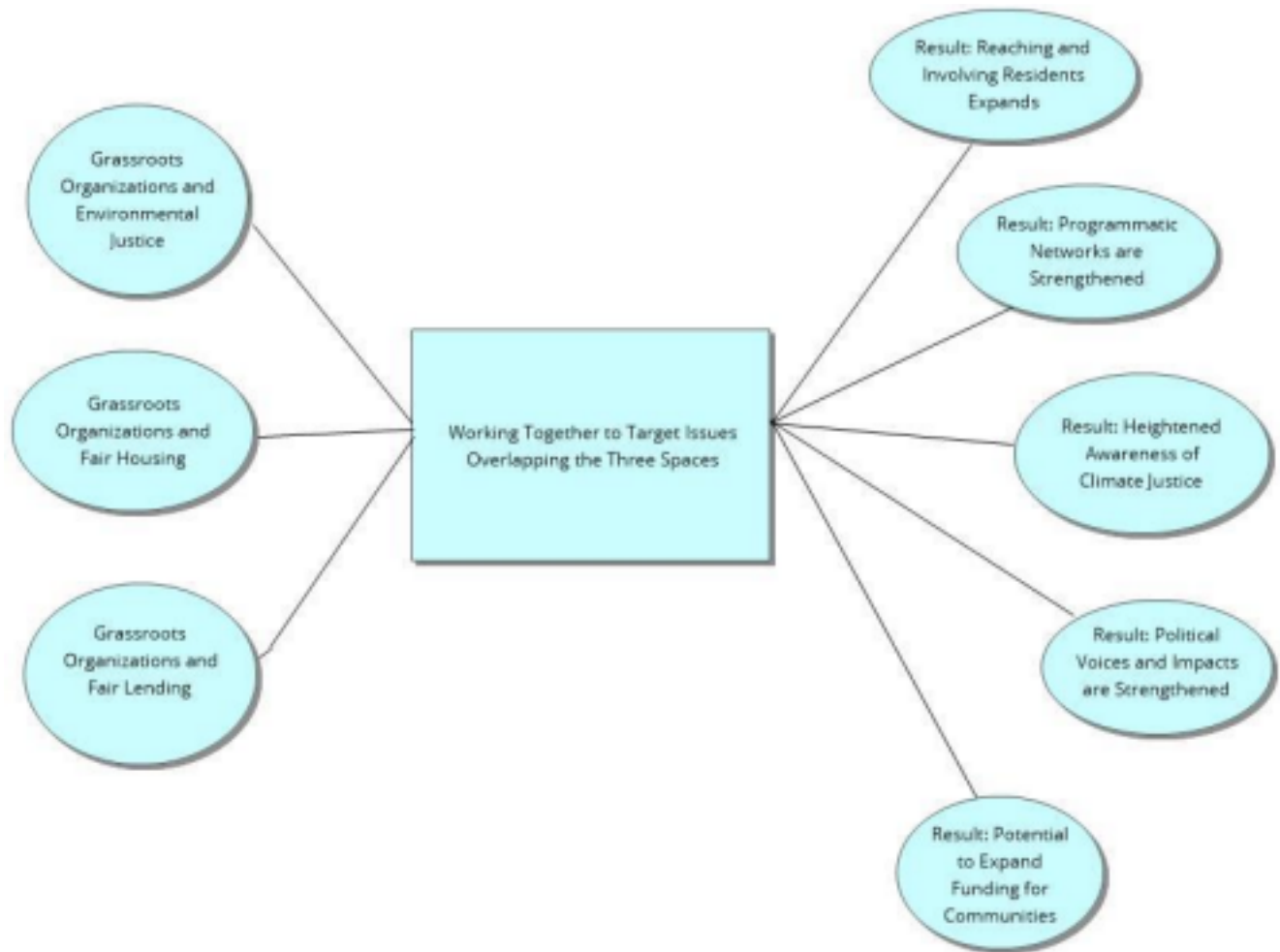
Acknowledgement

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Executive Summary

This strategic paper was commissioned by Dwain Tyndal, the Executive Director of Alternatives for the Environment and Community (ACE) in Roxbury, Massachusetts. The paper explores potential organizing connections between EJ, Fair Housing, and Fair Lending in low-income communities of color. The author proposes a *Strategic Collaborative Model* as a way to frame grassroots organizations in communities of color to organize and mobilize around issues based on working across EJ, Fair Housing, and Fair Lending spaces. While the paper focuses on urban communities in Region 1 as defined by the U.S. Environmental Protection Agency, it is clear that there are interrelationships between urban and rural communities, and tribal nations, facing environmental injustices.

The theory of change contextualizing a strategic collaborative model is illustrated in the following diagram.



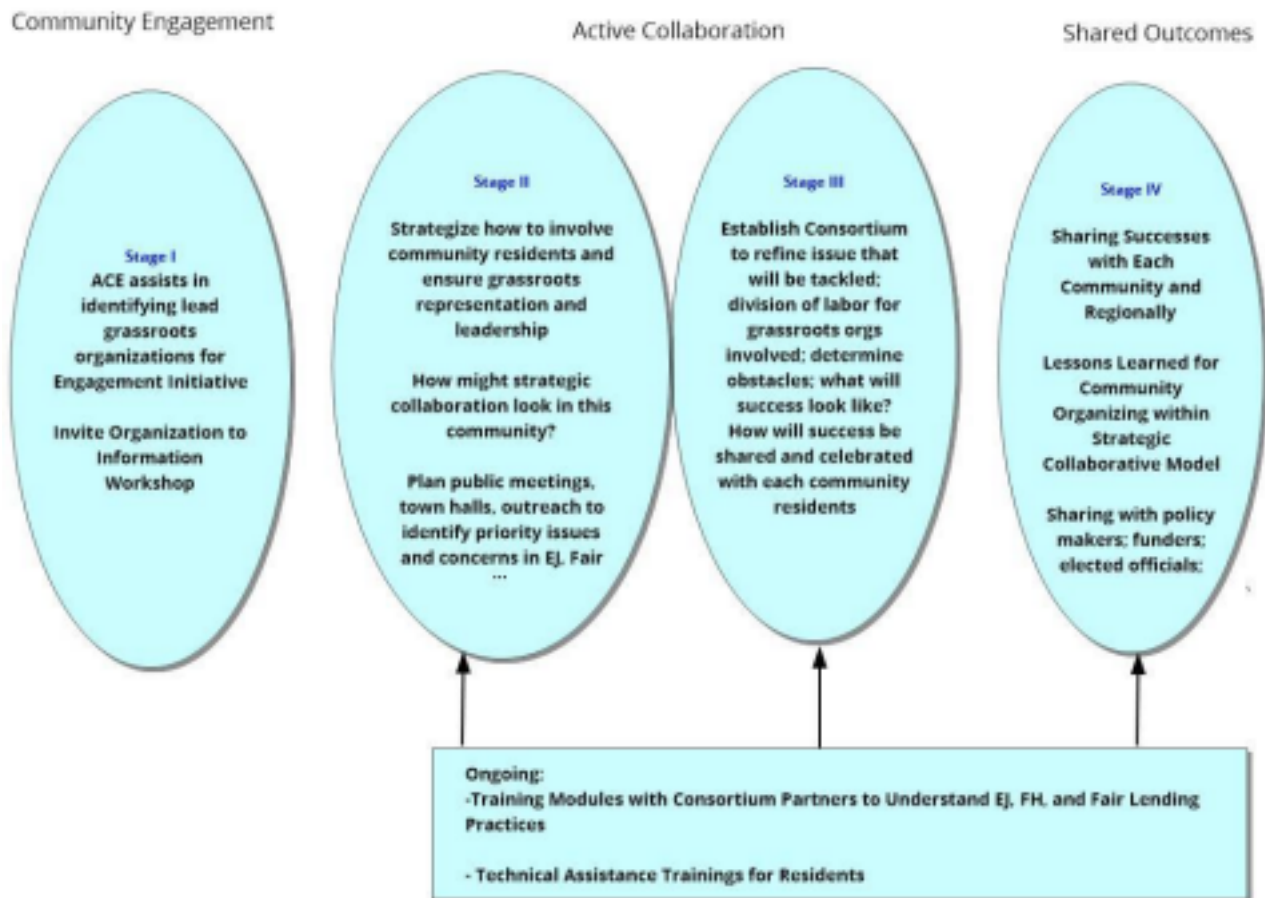
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In summary, grassroots organizations working together to target issues that directly or indirectly overlap the spaces of environmental justice, fair housing, and fair lending, communities will result in the following benefits:

- 1) the scope of resident engagement expands
- 2) the possibility of programmatic networks and impacts are strengthened
- 3) there will be heightened awareness about how these spaces interconnect and are used to move towards climate justice

- 4) political voices of residents in EJ communities and BIPOC communities are strengthened
- 5) the possibility of funding opportunities is enhanced.

It is proposed that four stages of community engagement can help to build strategic collaboration among grassroots organizations. These four stages can be pursued and refined in the format of consortiums where crisscrossing organizations work on behalf of identified community issues or problems. The next diagram shows details about the four stages which include community engagement; active collaboration; and shared outcomes.



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There are three guardrails that must be associated with this model: *ensuring resident empowerment*; *framing place-based work that directly helps the quality of life in communities*; and *not overlooking uncharted spaces for strategic collaboration*, for example, public housing and public schools, or public safety. These guardrails are aimed at ensuring that residents are involved in 1) defining and prioritizing the problem or challenges to be undertaken; 2) reviewing and adopting appropriate strategies and action plans; 3) implementing strategies and actions throughout; 4) evaluating or assessing strategies utilized in terms of impacts; and very important, 5) determining how successes and limitations of the strategies and action plans will be documented via data and storytelling.

The literature and study participants highlighted six potential benefits that could be realized by grassroots organizations working intersectoral in environmental justice, fair housing, and fair lending. These benefits include:

- Generating ‘economies of scale’ in tackling community problems since ‘divisions of labor’ become possible.
- Increasing civic and community participation.

- Expanding collective political power and influence of residents
- Enhancing the impacts of grassroots activism in the areas of environmental justice, fair housing, and fair lending
- Increasing the likelihood of funding and resources, especially as it involves climate change issues.
- Enhancing the legal reach of environmental justice activism

Before actualizing these kinds of benefits, however, there are challenges to strategic collaboration that must be overcome:

- Lack of awareness about the historical and constitutional interconnections between environmental justice, fair housing, and fair lending
- Practices and history of working within silos
- Funding sources discourage cross-silo work, and lack of adequate and sustained funding
- Initiating dialogue and building trust
- Differences in organizational priorities.

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The benefits and challenges are discussed in detail later in this report.

At least four areas where ACE can help to advance community-based discussions about a strategic collaborative model and reflecting the guardrails are:

- Assisting grassroots organizations in becoming more aware of ongoing community organizing initiatives that cross the three spaces. The work of coalitions such as Homes for All, the Green Justice Coalition, the CT Coalition for Economic and Environmental Justice (CCEJ) are just a few examples, and there are others.
- Providing technical assistance and training related to accessing federal and state resources for intersectoral organizing.
- Engaging and conducting campaigns to make grassroots voices aware of existing policies and legal requirements related to these three areas. For example, information about the Community Reinvestment Act, the Equal Credit Opportunity Act; or the Home Mortgage Disclosure Act

are fundamental as is the need for a greater understanding of implications related to ‘affirmatively furthering fair housing.’”

- Playing the role of a *backbone* organization connecting grassroots organizations and initiatives across the three spaces. In this way it facilitates and supports new and ongoing collaboration among grassroots organizations organizing across the three spaces.

The author reviewed literature and communicated by email or in person with twenty individuals who have extensive professional, research, and activist experiences in the three spaces of environmental justice, fair housing, and fair lending. Study participants were asked for input regarding their perceptions about the level and quality of collaboration that they see, or don’t see among grassroots organizations in the three spaces. They were asked about what they see as benefits of greater collaboration, resources for sustaining collaboration, and challenges to collaboration across the three arenas.

The *Introduction* reviews how the strategy paper was approached and developed based on some literature but also observations shared by study participants. While there is increased urgency for greater collaboration among grassroots organizations, the Introduction includes information showing that this is not necessarily a new call. A brief *Methodological Note* is included in this section. The following section, *Environmental Justice, Fair Housing, and Fair Lending as Same Big House and Some Continuing Community Organizing Disconnects* explores how these areas have some similar constitutional and legal roots, but nevertheless remain silo-ed in many cases when it comes to community organizing. The section touches upon recent developments that are aimed at rectifying this situation.

Section III, *Benefits of Greater Collaboration Among Environmental Justice, Fair Housing, and Fair Lending Grassroots Organizations and Initiatives*, and Section IV, *Challenges in Building Strategic and Collaborative Bridges* summarizes the observations made by the study participants. The conclusion, *Next Steps: Utilizing Strategic Collaboration Across Sectors to Build Action-Oriented*

Consortiums provide a roadmap for moving work and activism in these three spaces beyond silos. Appendix A is a list of interviewees and study participants. Appendix B is a summary of how environmental justice communities are identified in the New England states, or Region 1. And Appendix C is a list of organizations, documents, and literature referenced in the paper.

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This strategy paper is commissioned by Alternatives for Community and Environment' (ACE) in Roxbury, Massachusetts with the general aim to enhance the capacity of grassroots organizations to engage in collaborative organizing across environmental justice, fair housing, and fair lending spaces in the New England region.¹ Funding for this study is connected to the federal *Justice40* initiative.² The funding linked to *Justice40* and the potential direct allocation to grassroots organizations aligns with the adoption of the Final Rule by the Federal Housing Finance Agency. (FHFA). This "...addresses barriers to sustainable housing opportunities for underserved communities by codifying existing FHFA practices in regulation and adding new requirements related to fair lending, fair housing, unfair or deceptive acts or practices, and Equitable Housing Finance Plans."³ This opportunity is also taking place after the National Environmental Policy Act (NEPA) was considerably strengthened by the Biden administration to expand the scope of environmental policy and justice.⁴

The strategy paper addresses what is described by Health Resources in Action (HRiA), the "historical lack of investment in EJ communities. Grassroots EJ and other community-based organizations (CBOs) that are led by and accountable to impacted communities are often underfunded across all EPA regions, including Region 1."⁵ This is extremely troubling as cities and other places in the New England region, and across the country, face growing dangers related to climate change. The *Fifth National Climate Assessment* issued in 2023 reports that "some communities are at higher risk of negative impacts from climate change due to social and economic inequities caused by ongoing systemic discrimination, exclusion, and under- or disinvestment. Many such communities are also already overburdened by the cumulative effects of adverse environmental, health, economic, or social conditions. Climate change worsens these long-standing inequities, contributing to persistent disparities in the resources needed to prepare for, respond to, and recover from climate impacts."⁶

¹ The New England Region 1 includes Massachusetts, Rhode Island, Connecticut, New Hampshire, Maine, Vermont, Rhode Island, and 10 Tribal Nations; see, <https://www.epa.gov/environmentaljustice/environmental-justice-your-community#region1>.

² For information about this federal initiative see, <https://www.whitehouse.gov/environmentaljustice/justice40/>; also see <https://www.weact.org/justice40rward/>.

³ *Fair Lending, Fair Housing, and Equitable Housing Finance Plans Final Rule*, <https://www.fhfa.gov/SupervisionRegulation/Rules/Pages/Fair-Lending,-Fair-Housing,-and-Equitable-Housing-Finance-Plans-Final-Rule.aspx>.

⁴ National Environmental Policy Act, at: <https://www.epa.gov/nepa>. Also see, Community Guide To Environmental Justice And Nepa Methods, The Federal Interagency Working Group On Environmental Justice & Nepa Committee (March 2019) at: <https://www.energy.gov/sites/default/files/2019/05/f63/NEPA%20Community%20Guide%202019.pdf>. ⁵ Health Resources in Action (HRiA), *Building Sustained EJ Networks Across EPA Region 1*; this effort is funded through the Environmental Protection Agency, Office of Environmental Justice and External Rights for the Environmental Justice Thriving Communities Grantmaking Program. <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-grantmaking-program>.

⁶ Jay, A.K., et al., 2023: Ch. 1. Overview: Understanding risks, impacts, and responses. In: *Fifth National Climate Assessment*. Crimmins, A.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, B.C. Stewart, and T.K.

ACE seeks to ensure that funding for work in these three areas is more widely and equitably distributed among organizations that have been left out of major environmental funding in the past as reported in *The New York Times*. This latter situation is related to an observation by Vivian Morris, Chairperson of the Edgewater Neighborhood Association in Mattapan, Boston: “Environmental justice has historically been led by outsiders; often those outside of the community that is impacted. More recently there has been a greater push by local communities to create their environmental justice organizations and given the historical concern by people of color of all issues that impact their community there is more connection between those environmental groups and the other groups addressing key needs of the community.”⁷

This is a critically consequential observation, especially as more resources become available, and the public becomes more aware of climate issues and the government may be more responsive to ensuring climate justice than in the past. The distribution and sharing of resources for climate actions must reflect ‘Just Transitions’ where residents in low-income and working -class communities, and communities of color, are able to take part fully in related decision-making.

There is an urgent concern to strengthen partnerships among these organizations and sectors, ensuring sustained support for grassroots leadership. To wit:

“Region 1 needs stabilizing partnerships with consistent efforts that empower indigenous entities and EJ CBOs in each of our states. In addition to direct financial support for projects, anchor partners need spaces to coordinate and build relationships. The approach described here fulfills this goal by directly resourcing anchor partners, supporting community building and relationships between the partners, and collectively building out a grantmaking program that is rooted in equitable participation that centers the voices of those impacted by environmental injustices, and convening across Region 1.”

There is always a danger in attempts to rectify this situation by environmentally improving low-income and communities of color. As contextualized by Daniel Faber and Shelly McDonough Kimelberg, “In fact, the urban sustainability initiatives often launched to stimulate private investment in sectors such as high technology, real estate, energy or finance are explicitly designed to restore or build the environmental amenities and reputational status thought to attract a highly educated and skilled workforce (Florida, 2002; Tretter, 2013). In this context, “greening the city” can be seen as part of a broader neoliberal strategy to remake the urban landscape to satisfy the lifestyle demands of the middle and professional classes (Bunce, 2009, pp. 652-654).”⁸

⁷ Cara Buckley, “At 75, the Father of Environmental Justice Meets the Moment -The White House has pledged \$60 billion to a cause Robert Bullard has championed since the late seventies. He wants guarantees that the money will end up in the right hands” *The New York Times* (November 10, 2022), at:

<https://www.nytimes.com/2022/09/12/climate/robert-bullard-environmental-justice.html>⁸ Daniel Faber and Shelly McDonough Kimelberg, “Sustainable Urban Development and Environmental Gentrification: The Paradox Confronting the U.S. Environmental Justice Movement” in Horace R. Hall, Cynthia Cole Robinson, and Amor Kohli, *Uprooting Urban America: multidisciplinary perspectives on race, class, and gentrification*, Peter Lang Publishing (2014), p.78.

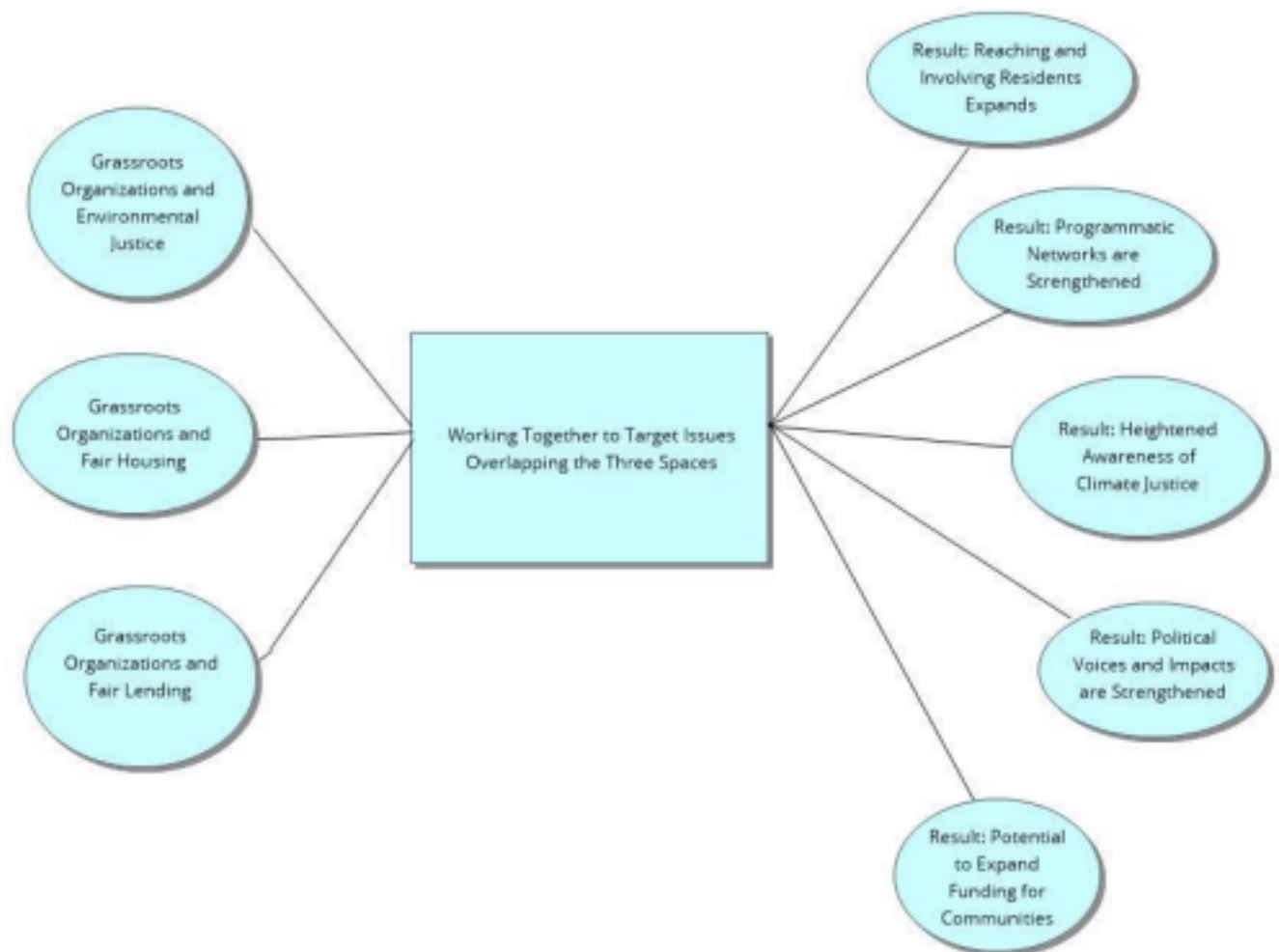
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Faber and Kimelberg add that “Other experts emphasize that urban sustainability initiatives cannot and should not be viewed in isolation from the pursuit of other forms of social justice, including the right to affordable housing (Dooling, 2009; Foy, 2012). Thus, some scholars advocate for direct interventions in the local housing market to prevent or offset the consequences of the shifts in housing stock and rents that are likely to stem from neighborhood environmental improvements. These can include efforts to build new low-income housing in areas slated to be cleaned up, as well as mechanisms to protect existing housing from price increases after environmental remediation has occurred.”⁹

A *Strategic Collaborative Model* is proposed as a way to frame grassroots organizations in communities of color to organize and mobilize around issues based on working across EJ, Fair Housing, and Fair Lending spaces. This umbrella approach not only strengthens existing relationships but expands relationships with people working in areas that intersect historically, legally, and politically. In the case of political empowerment, this model can nurture consistent and sustained efforts at dismantling power dynamics that exclude local communities and disenfranchised people and places from decision-making and influence. In this way it is a bulwark against gentrification and displacement arising from environmental improvements in communities previously disinvested, or who have suffered from environmental racism.

The underlying theory of change used in this paper posits that if grassroots organizations in communities of color organize across EJ, Fair Housing, and Fair Lending, then, 1) the scope of resident engagement expands; 2) the possibility of programmatic networks and impacts are strengthened, and 3) there is heightened awareness about how these spaces interconnect and are utilized to move towards climate justice; 4) political voices of residents in EJ communities and BIPOC communities are strengthened; and 5) funding opportunities can be enhanced.

⁹Ibid., p. 86



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A strategic collaborative model can help inform grassroots organizations about potential collaboration with fair housing and fair lending requirements to expand grassroots organizing initiatives. This kind of inter-sector collaboration can then serve to strengthen communities to prevent gentrification and displacement and ensure that environmental improvements are not used for the interests of wealth at the expense of residents. Such a model can also be a tool to ensure that ideas like transit-oriented development, or addressing climate change, or other initiatives to make the environment safer and cleaner do not result in the displacement of low-income and working-class residents. A concern explained by Malo A. Hutson:

“...planning to revitalize transit-rich, historically low-income neighborhoods to accommodate and attract high-density, market-rate, mixed-use development can potentially address blight and climate change and improve the tax base, but if the government fails to engage the community already living in the neighborhood early on in the process, or proceeds to engage the community in a superficial or perfunctory way, the planning process proceeds without critical community input. As a result, these large-scale developments and revitalization efforts can result in substantial demographic shifts...because the development fails to address the

“how” of keeping pre-existing residents in place. Any planning approach without a social justice framework can contribute to reproducing inequalities and result in sustainable urban revitalization that burdens low-wage earners and the least educated, especially immigrants and marginalized people of color.”¹⁰

The paper can be used as map for community organizing, and advocacy to pursue the building of collaborative bridges among environmental justice, fair housing, and fair lending organizations and initiatives which strongly reflect the needs of long-time residents -and which many times bear the brunt of negative externalities of earlier environmental, housing, and unfair lending decisions.

The paper highlights the need for sustained and greater participation on the part of grassroots organizations and the people and communities they work with about these issues. As explained in an article by journalist Maudlyne Ihejirika, this has to start “...with listening to the communities most impacted by environmental racism and the broader climate crisis. It means ensuring they have a leading role in the decision-making processes about the policies that shape where they live and work. And it means holding those in power accountable for honoring the rights of all people to clean air, clean water, and healthy communities. In other words, true environmental justice requires dismantling the racist structures that created this problem.”¹¹ This point was especially highlighted by Dr. Mark A. Mitchell as he described several instances where it was only resident-power that effectively countered corporate-power in attempts to change policies and practices that were harmful to the health well being of residents in low-income and communities of color.

¹⁰ Malo A. Hutson, *The Urban Struggle for Economic, Environmental, and Social Justice: Deepening Their Roots*, Routledge (2016), p.8.

¹¹ Maudlyne Ihejirika, *What Is Environmental Racism? This form of systemic racism disproportionately burdens communities of color* (May 24, 2023), at:

<https://www.nrdc.org/stories/what-environmental-racism>.

The call for inter-sectoral work and collaboration is not a new call. The approach of environmental justice within an umbrella of other issues was an earlier organizing theme in communities of color as Robert Bullard wrote in 1994: “A new form of environmental activism has emerged in communities of color. Activists have not limited their attacks to well-publicized toxic contamination issues but have begun to seek remedial action on neighborhood disinvestment, housing discrimination and residential segregation, urban mass transportation, pollution, and other environmental problems that threaten public safety.”¹²

The U.S. Environmental Protection Agency highlights how environmental justice is connected to a range of planning and policy areas and this was reflected in First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC.¹³ As it states on the EPA website:

- “Environmental justice has a long history of targeting untenable practices in housing, land use,

transportation, industrial siting, health care, and sanitation.

- Environmental justice is a cross-cutting issue as evidenced by the fact that the disparate impacts of redlining, infrastructure decline, deteriorating housing, lead poisoning, industrial pollution, concentrated poverty and unemployment are related problems.”

Their statement adds that “Problems that are interrelated require comprehensive solutions, and the solutions need to be accessible for persons who experience the disproportionate burden.”¹⁴ Given a continuing crisis of social, economic, and financial inequalities and in a context of climate change and related environmental dangers faced by low-income and working-class communities, it becomes more urgent today to pursue and expand interrelated activism in the spaces of fair housing, fair lending, and environmental justice.

To be sure, and as mentioned earlier, there are community-based and grassroots organizations in New England and across the United States that are built on long-time intersectoral work. In the course of completing this paper several examples were offered by study participants: *Dudley Street Neighborhood Initiative*; *One Neighborhood Builders*, and the *Sankofa Initiative* in Providence, Rhode Island; also, *The Housing and Environment Revenue Opportunities Coalition* (HERO); *Mass Coalition for Racial Equity in Housing*; *Neighbor 2 Neighbor*; *ACT Lawrence*; *Groundwork Rhode Island*; *Climate Justice Alliance: Communities United for a Just Transition*; *Connecticut Coalition for Economic and Environmental Justice*; *PUSH Buffalo*; *Catalyst Miami*; *People’s Advocacy Institute*, and other organizations across the nation. This is not an exclusive list but only meant to show that

¹² R.D. Bullard, Ed., *Unequal Protection: Environmental Justice and Communities of Color*, Sierra Club Books, San Francisco, CA, 1994 at: <https://doi.org/10.1177/027046769501500454>; also see, Bunyan Bryant and Paul Mohai (eds.), *Race and the Incidence of Environmental Hazards: A Time for Discourse* Boulder, CO: Westview Press, 1992.

¹³ <https://www.ejnet.org/ej/principles.pdf>.

¹⁴ <https://www.epa.gov/environmentaljustice/equitable-development-and-environmental-justice>

organizing inter-sectoral is taking place in communities but must be expanded and sustained on a wider scale.

The paper opens with a brief overview of past and current developments linking the three areas. The following section outlines the potential benefits that could be realized if local community organizing efforts reflect greater collaboration among people and organizations involved with environmental justice, or environmental racism, fair housing, and fair lending. This is followed by a discussion of the challenges and obstacles that are faced in building bridges in these spaces. The last section describes the next steps for building such bridges in local communities. The latter includes specific actions that can be taken to move forward on the aims of the paper.

Methodological Note

The study's methodology includes an overview of the organizational landscape in the areas of environmental justice, fair housing, and fair lending, including related social justice issues. A literature review based on selected scholarly articles, foundation reports, and other public sources was conducted. The literature search was framed by four key thematic queries relevant to a design of what the author refers to as a 'strategic collaborative model' as a tool for greater collaboration and impacts in the three areas above: 1) How can EJ organizing be enhanced with greater connections to issues related to fair housing and fair lending practices? 2) What are the major challenges posed by EJ initiatives to incorporate fair housing and fair lending in organizing strategies? 3) How should collaboration be approached? And 4) what are the technical needs for greater collaboration?

Individuals in the New England region and nationally who have been involved with these issues were contacted for information and their insights into the general topic. Individuals were selected based on reviews of news reports and information found in the literature review and organization websites. Four specific queries were posed via interviews or email correspondence. The queries were open-ended:

1. Given the historical overlap of environmental justice, fair housing, and fair lending, how would you assess or describe the level of collaboration on the part of community organizations working in these areas?
2. What might be the benefits of such collaboration for communities?
3. How can collaboration be triggered and sustained? What are the steps and what might be technical needs?
4. Can you offer 1 or 2 examples of potential collaboration between EJ, Fair Housing, and Fair Lending community organizations?
5. What are the challenges to collaborating among these sectors?

6. What are guideposts for EJ organizations to reach out to community organizations involved with fair housing and fair lending?

In addition to the above, legal articles and policy documents were reviewed for information related to the paper's topic.

**II: Continuing Disconnects Environmental Justice, Fair Housing, and Fair Lending as Same
Big House and Some Community Organizing Disconnects**

This section looks to expand understanding about how to enhance the capacity of grassroots

social justice, community empowerment, and environmental justice organizations via interconnections with fair housing organizations and fair lending requirements, utilizing these connections as organizing concepts.

The U.S. Environmental Protection Agency defines *environmental justice* as “...the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

- are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.”¹⁵

There are certain principles embedded in environmental justice: Equity and Fairness; Community Engagement; Health and Safety; Cumulative Impacts; Environmental Sustainability; and Transparency and Accountability.¹⁶

Affirmatively Furthering Fair Housing under the Fair Housing Act of 1968, “...not only prohibits discrimination, but also directs HUD to ensure that the agency and its program participants will proactively take meaningful actions to overcome patterns of segregation, promote fair housing choice, eliminate disparities in housing-related opportunities, and foster inclusive communities that are free from discrimination.”¹⁷

Fair Lending is enforced by the U.S. Department of Justice through its administration of the Equal Credit Opportunity Act which:

“...prohibits creditors from discriminating against credit applicants, including discouraging applications for credit on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act. The

¹⁵ <https://www.epa.gov/environmentaljustice>.

¹⁶ Massachusetts Executive Office of Energy & Environmental Affairs February (EOEEA), *Environmental Justice Strategy* (February 2024), p.117; at: <https://www.mass.gov/doc/february-2024-environmental-justice-strategy-english/download>.

¹⁷ <https://www.federalregister.gov/documents/2023/02/09/2023-00625/affirmatively-furthering-fair-housing>.

improvement loans, and other home credit transactions because of race, color, religion, sex, national origin, familial status, or disability. The Justice Department has authority to prosecute a pattern or practice of discrimination under both ECOA and the FHA on its own initiative or upon referral from another federal agency. This authority extends to discrimination in the mortgage market, including redlining and discriminatory underwriting and pricing, as well as discrimination in non-mortgage lending contexts like auto loans, unsecured consumer loans, student loans, and credit card products.”¹⁸

The call for strategic collaboration among grassroots sectors involved with environmental justice, fair housing, and fair lending practices is a conceptual umbrella that, indeed, is historically connected. Environmental injustices such as toxic air, elevated levels of industrial pollution, or inadequate access to clean transportation that are faced in communities of color, in particular, are the result of earlier and current housing discrimination and predatory lending practices. This connection is reported by Megan Haberle:

“Fair housing and environmental justice are deeply intertwined, though they have long operated in separate siloes among both policymakers and advocates...Environmental justice (EJ) and fair housing advocacy both take place against a complex backdrop of racial segregation, disparities in access to political power, municipal fragmentation, boundary drawing around resources, disinvestment, and administrative silos.”¹⁹

Further, “EJ advocates, along with housing advocates and others, also may use the AFH process to document a range of environmental health disparities and the state or local mechanisms that drive or could remedy them (such as permitting strategies, health impact assessment legislation, zoning, and funding incentives).”²⁰

Similarly, and much earlier, Terenia Urban Guil suggested that making clear these connections could “expand judicial protection for neighborhoods”:

“The several federal statutes directly addressing civil rights may allow a substantive challenge to development in communities...Unfortunately, while the language of the statutes is strong, recent judicial interpretations have limited their reach, thereby decreasing their power for many communities. Title VIII, Fair Housing Act, may provide a remedy for those judicially- created weaknesses in the Civil Rights statutes. An examination of these statutes and the case law accompanying them will not only illuminate the ways in which the

¹⁸ *The Attorney General’s 2022 Annual Report to Congress on Fair Lending Enforcement* (November 2023); at: [https://www.justice.gov/d9/2024-](https://www.justice.gov/d9/2024-01/the-attorney-generals-2022-annual-report-to-congress-on-fair-lending-enforcement.pdf)

[01/the-attorney-generals-2022-annual-report-to-congress-on-fair-lending-enforcement.pdf](https://www.justice.gov/d9/2024-01/the-attorney-generals-2022-annual-report-to-congress-on-fair-lending-enforcement.pdf).¹⁹
Megan Haberle “Fair Housing and Environmental Justice: New Strategies and Challenges” *Journal of Affordable Housing*, Volume 26, Number 2 (2017), p.271.

²⁰ Ibid., p.278.

courts have limited their reach but will also suggest the routes by which an environmentally contextualized Fair Housing Act challenge could expand judicial protection for neighborhoods..."²¹
The author adds in the same article that Professor John O. Calmore has argued that the Fair Housing Act has "tremendous untapped potential."²²

According to Jenifer Thomas, Associate Professor at the Department of History, Bucknell University in Lewisburg, Pennsylvania,

"The Civil Rights Act of 1968, known better as the Fair Housing Act, was the first substantive attempt to remediate federally sponsored residential segregation. Title VIII of the Act, which prohibits discrimination in all housing-related transactions, committed the United States to affirmatively providing for fair housing in most circumstances. Alongside Title VI of the 1964 Civil Rights Act, which prohibited any form of discrimination among those receiving federal funding, Title VIII became a potent weapon for enforcing civil rights compliance and beginning to remedy historic discrimination"²³

Title VIII of the Fair Housing Act of 1968, in other words, actually is a potential tool for expanded enforcement of Title VI of the Civil Rights Act of 1964.

Alice L. Brown and Kevin Lyskowski discuss how using an affirmatively furthering fair housing lens can strengthen environmental justice suits:

"Litigation challenging environmental inequities in low-income communities and communities of color has relied upon a number of constitutional and statutory provisions. These provisions have included the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title VI of the Civil Rights Act of 1964, and various environmental statutes and regulations...All of these legal avenues have shortcomings. It is difficult for environmental justice litigants to find a "smoking gun" that shows a discriminatory motive, as is required for Equal Protection Clause claims. Although Title VI is more useful, it only establishes nondiscrimination requirements for federally funded programs and activities. Environmental statutes are also subject to restrictions...These and other concerns have prompted interest in another weapon in the battle for environmental justice: Title VIII of the Civil Rights Act of 1968, commonly called the Fair Housing Act..."

These authors suggest that:

²¹ Terenia Urban Guill "Environmental Justice Suits Under the Fair Housing Act" *Tulane Environmental Law Journal*, vol.12, no.1 (Winter 1998), p.212.

²² Ibid., p.224

²³ Jenifer Thomas, “Civil Right Enforcement and Fair Housing at the Environmental Protection Agency”, *Environmental Justice*, Volume 14, Number 5, 2021, p.346.

“Environmental justice advocates may find the Fair Housing Act useful for several reasons. First, the Act has procedural and jurisdictional advantages over environmental statutes. One such benefit is that Fair Housing Act claims are often tried de novo; thus, unlike environmental statutes which usually allow a court to review only the record compiled by an agency, the Fair Housing Act does not normally limit the court to the administrative record. This may give environmental justice plaintiffs a greater opportunity to put forward grievances and may allow plaintiffs to conduct discovery and present evidence as part of judicial proceedings. Another benefit is that Title VIII, unlike Title VI, reaches defendants without regard to their federal funding. Finally, and perhaps most importantly, a violation of the Fair Housing Act, unlike the Equal Protection Clause, does not require a finding of intentional discrimination. A plaintiff needs only prove that a defendant's conduct actually or predictably results in racial discrimination (i.e., that it has a discriminatory impact). The Supreme Court has tacitly approved this discriminatory effects standard, and it has been adopted in some form by nearly every circuit.”²⁴

Some EJ scholars acknowledge that “...urban sustainability initiatives cannot and should not be viewed in isolation from the pursuit of other forms of social justice, including the right to affordable housing (Dooling, 2009; Foy, 2012). Thus, some scholars advocate for direct interventions in the local housing market to prevent or offset the consequences of the shifts in housing stock and rents that are likely to stem from neighborhood environmental improvements. These can include efforts to build new low-income housing in areas slated to be cleaned up, as well as mechanisms to protect existing housing from price increases after environmental remediation has occurred.”²⁵

There is at least one outstanding example of how environmental justice groups have used the Fair Housing Act, the case of General Iron in Chicago. Regarding this case Michael Showalter and Samuel A. Rasche write that a federal court concluded:

“...that Chicago violated HUD regulations in various ways including by relocating the facility - with its attendant harms - from an 80 percent white neighborhood to a neighborhood that was 83 percent Black and Hispanic and known to already bear “disproportionate environmental burdens”; by motivating the facility to move to relocate to address neighborhood concerns in Lincoln Park, without paying similar attention to concerns in southeast Chicago; by failing to address how relocating the facility would affect an already overburdened community; and for generally failing to provide any justification for the disparity between Chicago’s “fervor” for relocating the facility with how it discounted the concerns of residents in southeast Chicago. Accordingly, Chicago violated Title VI of the federal civil rights laws and relevant HUD regulations.”²⁶

²⁴Alice L. Brown and Kevin Lyskowski, “Environmental Justice and Title VII of the Civil Rights Act of 1968 (The Fair Housing Act),” *Virginia Environmental Law Journal* at: <http://www.velj.org/environmental-justice-and-title-vii-of-the-civil-rights-act-of-1968.html>.

²⁵Daniel Faber and Shelly McDonough Kimelberg, op cit., p.86

²⁶J. Michael Showalter and Samuel A. Rasche, “Environmental Justice Update: Chicago Forcing Facility Relocation to Environmental Justice Area Puts Federal HUD Funding at Issue” (July 26, 2022); at

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A critical observation in *Southeast Environmental Task Force, et al. v. City of Chicago* is that both Title VI and Section 109²⁷ were used to determine the final ruling: “...the Department finds that the City’s decision to pursue the relocation and the City’s actions to achieve this goal were discriminatory and violated Title VI and Section 109. The City violated HUD’s regulations (noted above) prohibiting discrimination in siting facilities, in providing benefits, in restricting privileges, and in adopting methods and criteria as each of these actions is implicated by the City’s involvement in relocating the Facility, the City’s approval of the Southeast Site, and the City’s process to achieve these goals. For years the city also failed to act towards overcoming the environmental disparities that accrued from past actions.”²⁸

This decision has environmental justice lessons as explained by Showalter and Rasche:

“While the actions of HUD may seem like they have little to do with EPA, the Finding is consistent with the Biden Administration’s repeated commitment to use all available tools to advance EJ issues. Last year, EPA stated in its 2022-2026 Strategic Plan that it intended to enhance the use of the Civil Rights Act of 1964 to “embed environmental justice and civil rights in the Agency’s core work” and to “strengthen civil rights enforcement in communities overburdened by pollution.” (See [here](#)). This goal was echoed again in EPA’s draft EJ guidance which was issued in June. (See [here](#)). Similarly, the US Department of Justice had indicated that it would “make strategic use of all available legal tools to address environmental justice concerns” as part of its EJ enforcement strategy. (See [here](#)).”²⁹

And Tram Hoang also explains how the Chicago case made clearer the inter-sector spaces of fair housing, fair lending, and environmental justice:

“AFFH can be utilized to advance environmental justice as well. In Chicago, after the city approved the relocation of General Iron, a metal-shredding operation, from a mostly white and affluent neighborhood to a Latinx-majority neighborhood surrounded by Black neighborhoods, environmental justice advocates filed a [fair housing complaint](#) with HUD. The complaint—filed by organizations including Southeast Environmental Task Force, Chicago South East Side Coalition to Ban Petcoke, and People for Community Recovery—

<https://www.afslaw.com/perspectives/environmental-law-advisor/environmental-justice-update-chicago-forcing-facility>.

²⁷ “Section 109 of the HCD Act of 1974, Title I, prohibits discrimination on the basis of race, color, national origin, disability, age, religion, and sex within Community Development Block Grant (CDBG) programs or activities.” at: <https://www.hud.gov/programdescription/sec109>.

²⁸ See, Jacy Gaige, Letter of Findings of Noncompliance with Title VI and Section 109, *Southeast Environmental Task Force, et al. v. City of Chicago* Case No. 05-20-0419-6/8/9 (July 19, 2022), U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity p.18. ²⁹ Showalter and Rasche; at: <https://www.afslaw.com/perspectives/environmental-law-advisor/environmental-justice-update-chicago-forcing-facility>; also see, <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>.

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alleged that the city of Chicago violated the Fair Housing Act, the Civil Rights Act, and the Housing and Community Development Act of 1974, which ultimately led to a denial of the permit the facility needed to operate. The siting of an industrial facility is not direct housing discrimination in the way steering by real estate agents or refusal to rent by landlords is, but the complaint argued, it had a direct and racially discriminatory effect on home values and levels of segregation...”

And noteworthy:

“This issue caught the attention of the U.S. Environmental Protection Agency, which monitors facilities in the Southeast neighborhood for pollution and asked the city to complete a Health Impact Assessment. The most important consequence of this complaint is that the Chicago Department of Public Health denied General Iron’s permit application to operate on the Southeast Side, citing findings in the EPA-recommended Health Impact Assessment”³⁰

Robert A.H. Middleton and Daniel J. Deeb claim in a blog associated with the Center for Racial Equity, “Using non-environmental statutes to force change in the environmental arena grants the Executive branch significant leverage against regulated businesses directly and indirectly through the communities where they operate. A [final finding](#) (Finding) issued by the US Department of Housing & Urban Development (HUD) regarding the City of Chicago’s efforts to move a recycling facility from a wealthy, majority-white neighborhood to a community that had been previously classified as “environmentally overburdened” illustrates how leveraging non environmental statutes can work in practice, as well as some big-picture lessons related to EJ and related equity issues.”³¹

This case illustrates the point raised by two housing scholars and activists, Tiffany Manuel and Dana Bourland, who wrote in *Lifting a Powerful Lever for Housing Justice*, that these requirements make AFFH is a powerful tool if used: “More than a bureaucratic formality, AFFH has the potential to move housing justice—and by extension racial, climate, and economic justice—further than ever before requiring local governments, who seek federal housing dollars to take meaningful actions to overcome patterns of segregation and to foster inclusive communities.” ³²

For a long time, federal agencies have worked in silos making it difficult for grassroots organizations to work collaboratively on community challenges. A study of how environmental justice is sometimes overlooked in federally assisted housing reported that:

“Currently, federal agencies operate in silos and fail to listen to impacted communities, communicate with one another, or prioritize the principles of environmental justice in their

³⁰ Tram Hoang, *Three Ways AFFH Has Advanced Housing Justice* at:

<https://shelterforce.org/2023/03/21/three-ways-affh-has-advanced-housing-justice/>.

³¹ <https://www.afslaw.com/perspectives/environmental-law-advisor/environmental-justice-update-chicago-forcing-facility>. The Center for Racial Equity Robert A.H. Middleton and Daniel J. Deeb / Blog ³² https://ssir.org/articles/entry/lifting_a_powerful_policy_lever_for_housing_justice#.

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actions. Thus, effective interagency practices should be developed and implemented...Federal agencies should promulgate regulations to improve and expand interagency accountability to impacted communities nationwide. Interagency regulations could outline the expectations and responsibilities of all agencies involved in the cleanup process and facilitate the flow of vital information to impacted communities...Special consideration should be paid to preserving and creating low-income housing and employment opportunities in the community...Cross-agency collaboration is critical to ensuring communities are able to achieve environmental justice... Agencies should likewise promulgate regulations to improve and expand interagency accountability to environmentally impacted communities nationwide. At the same time, housing, health, and environmental laws and policies, and the public agencies that implement and enforce those laws and policies, must collectively and cooperatively respond to this crisis.”³³

Today, HUD currently is more emphatic about how these areas are interconnected. This reflects the current national administration’s more aggressive approach in taking a “whole-of-government approach to environmental justice”:

“It is the policy of my Administration to pursue a whole-of-government approach to environmental justice. This order builds upon my Administration's ongoing efforts to advance environmental justice and equity consistent with [Executive Order 13985](#) of January 20, 2021 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), [Executive Order 13990](#) of January 20, 2021 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis), [Executive Order 14008](#) of January 27, 2021 (Tackling the Climate Crisis at Home and Abroad), [Executive Order 14052](#) of November 15, 2021 (Implementation of the Infrastructure Investment and Jobs Act), [Executive Order 14057](#) of December 8, 2021 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability), [Executive Order 14082](#) of September 12, 2022 (Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022), and [Executive Order 14091](#) of February 16, 2023 (Further Advancing Racial Equity and Support for

Underserved Communities Through the Federal Government). This order also supplements the foundational efforts of [Executive Order 12898](#) to address environmental justice. In partnership with State, Tribal, territorial, and local governments, as well as community organizations, businesses, and members of the public, the Federal Government will advance environmental justice and help create a more just and sustainable future for all.”³⁴

³³ Emily Coffey, Kate Walz, Debbie Chizewer, Emily A. Benfer, Mark N. Templeton, Robert Weinstock, *Poisonous Home: The Fight for Environmental Justice in Federally Assisted Housing* Shriver Center on Poverty and Law and EARTHJUSTICE (June 2020); at: https://www.povertylaw.org/wp-content/uploads/2020/06/environmental_justice_report_final-rev2.pdf?ref=marleyk.net., p. 6. ³⁴ <https://www.federalregister.gov/d/2023-08955/p-8>.

Gary L. Pasheilich writes about HUD’s recent aggressive stance in using fair housing to assess environmental justice: “In the context of affordable housing, HUD states that [e]nvironmental justice is an integral part of HUD’s mission” and outlined the following aspirational concepts:

- Prevention of adverse environmental and health effects on minority and low-income populations by HUD actions.
- Engagement of minority, low-income, and Indigenous populations in the communities where a HUD action is proposed.
- Recognition of areas of local and cultural significance where a HUD action is proposed; and
- Integration of environmental justice practices and concepts (such as sustainability and equal opportunity) in project planning.”

Pasheilich notes that “HUD has issued its Multifamily Accelerated Processing (MAP) standards, which are designed to provide uniform national standards for lenders ‘to prepare, process and submit loan applications for Federal Housing Administration (FHA) multifamily mortgage insurance.’ Section 9 of HUD’s MAP Guidebook addresses the environmental review process and includes an environmental justice component:

"When a project impacts a minority or low-income population and there are unmitigated adverse environmental impacts such as a location in a floodplain or a noise-impacted site, HUD will perform the necessary analysis before determining the acceptability of the project. A project that will receive a Low-Income Housing Tax Credit or a Section 8 HAP contract and has unmitigated adverse environmental impacts is an example of when

environmental justice concerns should be evaluated...”³⁵

An EJ organization can collaborate with HUD to determine if entities utilizing LIHTC or Section 8 HAP contracts can be reviewed for adverse impacts on environmental justice because, “Under the Fair Housing Act, all Federal agencies having regulatory or supervisory authority over financial institutions...are required to administer their programs and activities relating to housing and urban development in a manner that affirmatively furthers the purposes of the Fair Housing Act, which includes providing for fair housing throughout the United States.”³⁶

Interestingly, and as suggested above, this development has earlier roots in calls for a comprehensive understanding of environmental justice and the necessity of strong community participation. This was highlighted in a 1996 report of the National Environmental Justice Advisory Council: “Urbanization refers to the formation, growth, and transformation of human communities as

³⁵ Gary L. Pasheilich, “Environmental Justice Consideration in Affordable Housing,” *The National Law Review*, January 27, 2024, Vol. XIV, Number 27.

³⁶ 42 U.S.C. 3608(d); 42 U.S.C. 3601 *et seq.*

centers of industrial, commercial, social, and cultural activity. From an ecological perspective, this affects both urban and rural areas in an interdependent manner. A multiplicity of development issues such as residential patterns, displacement through gentrification, transportation policy, the flow of capital, and others profoundly affect patterns of growth. Environmental justice recognizes the inextricable linkages between these as economic, environmental, cultural, and social issues.”³⁷

In a Spring 2023 letter to Marcia Fudge, former Secretary of the U.S. Department of Housing and Urban Development, the Environmental Justice Coalition explained how “Fair housing and environmental justice are interrelated and mutually reinforcing frameworks that must both be advanced to achieve a more equitable society, one in which all communities have access to healthy homes and neighborhoods.” As told by members of this coalition:

“Racial residential segregation has long served as a mechanism for disparities in resource distribution, including both environmental assets and environmental harms, and land use practices, infrastructure siting, and environmental decision making (such as the siting of pollutants) can in turn directly contribute to the perpetuation of segregation, displacement, and disparities in quality of life. The AFFH planning process and AFFH goal setting should therefore fully account for and respond to environmental justice considerations. This means the required review of relevant data and regional policies and practices (including enforcement); vigorous HUD review for sufficient goals and actions; and enabling of meaningful participation by environmental justice advocates and community members. Our comments focus on ways that HUD can strengthen the AFFH’s rule’s impact with regard to environmental justice, as well as on key aspects of the proposed rule that we support.”³⁸

This was also seen by the journalist Maudlyne Ihejirika in an article, “What is Environmental

Racism?” She writes “A [recent study](#) by the University of California, Berkeley, and Columbia University illustrates some of the current effects. It found that African American and Latino communities that had been redlined under the discriminatory Homeowners’ Loan Corporation program have twice as many oil and gas wells today than mostly white neighborhoods. That’s no accident.” And:

“Many communities of color still suffer from the legacies of segregation and redlining, which were shaped and enforced through land use policies and local zoning codes. These racist practices discouraged investment in these areas, which eroded asset values and the tax base, leading to crumbling housing and public infrastructure. According to a report by the [Tishman Environment and Design Center](#), polluting industries sought to locate their facilities where the value of land was low, and cities responded by zoning these already-struggling communities

³⁷ *Environmental Justice, Urban Revitalization, And Brownfields: The Search For Authentic Signs Of Hope*, A Report on the "Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities" National Environmental Justice Advisory Council (1996), p.11; at: <https://www.epa.gov/sites/default/files/2015-02/documents/public-dialogue-brownfields-1296.pdf>. ³⁸ The Fair Housing Act; at: <https://ncrc.org/environmental-justice-coalition-letter-on-huds-affirmatively-furthering-fair-housing-affh-rule/>.

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for industrial use. Their rights to healthy, thriving spaces were further squandered by the U.S. Environmental Protection Agency (EPA), which has a well-documented history of [favoring white communities](#).”³⁹

Some of the proposed tools described in the Environmental Justice Coalition letter to HUD on April 24, 2024, and reflecting the intersectoral nature of environmental justice and fair housing include recommendations that would, “...Require that program participants examine their land use policies, including residential zoning, industrial zoning, infrastructure siting that displaces residents or negatively impacts quality of life, easements, and environmental permitting, for disparities on the basis of protected characteristics (in particular race and ethnicity). This should also include a historic analysis of land use policies so that long standing policies creating and growing industrial parks are addressed.”⁴⁰

The signatories also recommend that state and local land use and environmental policies should be evaluated in terms of how such might “...exacerbate the racial wealth gap by stripping homeowners of color of home value.” And related to this: “...program participants are also asked to evaluate to what extent resources such as energy efficiency and weatherization are available to protected groups.” These requirements can serve to reduce racial wealth gaps that might be sustained in individual silo-ed homeownership initiatives: “With regard to the questions addressed fair and affordable homeownership, we recommend that program participants also be asked to evaluate to what extent resources such as energy efficiency and weatherization are available to protected groups. (This would cover, for example, Inflation Reduction Act resources, including those that are not targeted by statute.) These can present significant costs for households that cut against the wealth-building aims of

homeownership.”⁴¹

Unfair lending practices limit the opportunities for safe, clean, and affordable housing for racial minorities. According to the U.S. Treasury, Office of the Comptroller of the Currency, such practices can include: “[Disparate Impact; Disparate Treatment; Predatory Lending; “Collateral or equity stripping”; “Inadequate disclosure”; “Risky loan terms and structures”; “Padding or packing”; “Flipping”; and “Single-premium credit insurance]”⁴² These are all fair housing violations that have sustained neighborhoods with lower quality of life conditions compared to White and wealthier communities.

The Federal Housing Finance Agency has the responsibility for ensuring fair lending practices are implemented equitably and consistently while affirmatively furthering fair housing; it is

³⁹ Maudlyne Ihejirika, *What Is Environmental Racism? This form of systemic racism disproportionately burdens communities of color* (May 24, 2023); at: <https://www.nrdc.org/stories/what-environmental-racism>.

⁴⁰ <https://nrcr.org/environmental-justice-coalition-letter-on-huds-affirmatively-furthering-fair-housing-affh-rule/>.

⁴¹ Ibid.

⁴² The U.S. Treasury, Office of the Comptroller of the Currency; at: <https://www.occ.treas.gov/topics/consumers-and-communities/consumer-protection/fair-lending/index-fair-lending.html>

responsible for “...oversight of fair housing, fair lending, and other relevant laws, as well as strategic planning to address barriers faced by renters and borrowers, are important in promoting sustainable housing opportunities for underserved communities.”⁴³ It has a legal “Duty to Serve” underserved communities. The latter is defined as generally [encompassing] “a group of people with shared characteristics or an area that is subject to current discrimination or has been subjected to past discrimination that has or has had continuing adverse effects on the group’s or area’s participation in the housing market, historically has received or currently receives a lower share of the benefits of Enterprise programs and activities providing sustainable housing opportunities, or that otherwise has had difficulty accessing these benefits compared with groups of people without the shared characteristic or other areas.”⁴⁴

Fair lending practices are required to reflect affirmatively furthering fair housing and must be consistent with a 2021 Presidential Memorandum. As explained by FHFA:

“FHFA recognizes that a definition of “equity” has been explicitly provided in HUD’s most recent proposed Affirmatively Furthering Fair Housing (AFFH) rule,..which would require equity plans from HUD program participants and which FHFA reviewed in developing the proposed and final rules given that both equity plans are grounded in the statutory requirement to affirmatively further fair housing... According to a 2021 Presidential Memorandum, the AFFH mandate “. . . is not only a mandate to refrain from discrimination but a mandate to take

actions that undo historic patterns of segregation and other types of discrimination and that afford access to long-denied opportunities.”...Executive Order 13985 defined “equity” for purposes of that order as “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.”⁴⁵

Its’ Duty to Serve regulation compels mortgage and capital investments, and mortgage financing, for “very low-, low, and moderate-income families in underserved markets:

“The Duty to Serve regulation implements the duty under the Federal Housing Enterprises Finance Safety and Soundness Act of 1992, as amended (12 U.S.C. 4565), for Fannie Mae and Freddie Mac (collectively, Enterprises) to serve three specified underserved markets – manufactured housing, affordable housing preservation, and rural housing – in order to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for very low-, low-, and moderate-income families in those markets. FHFA issued a final rule to implement the statutory requirements, effective January 30, 2017 (81 Fed. Reg. 96242 (Dec. 29, 2016)). The regulation specifies the scope of Enterprise activities that are eligible to receive Duty to Serve credit. The activities specified by

⁴³ Federal Housing Finance Agency, 12 CFR Part 1293 , RIN 2590-AB29 , Fair Lending, Fair Housing, and Equitable Housing Finance Plans, ACTION: Final rule., (April 29, 2024), p.4; <https://www.fhfa.gov/SupervisionRegulation/Rules/RuleDocuments/Equitable%20Housing%20Final%20Rule%20for%20Web.pdf>.

⁴⁴ Ibid., p.4

⁴⁵ Ibid., p.43

the regulation generally are those that facilitate a secondary market for mortgages related to manufactured homes; certain categories of manufactured housing communities; preserving the affordability of housing for renters and homebuyers; housing in high-needs rural regions or for high-needs rural populations; financing by small financial institutions of rural housing; and small rural multifamily rental properties. Each Enterprise is required to submit an Underserved Markets Plan (Plan) covering a three-year period that describes the activities and objectives it will undertake in each underserved market to meet its duty to serve. The statute (12 U.S.C. 4565(d)(1)) requires FHFA to annually evaluate and rate the extent of the Enterprises’ compliance with their duty to serve.”⁴⁶

During waves of foreclosures in urban communities in 2007 and 2008 Black people and Latino/a people were especially hit hard in many urban communities across the country. The neighborhoods where they sought to own and maintain homes were wrecked due to *unfair* lending practices. The concentration of foreclosures in many neighborhood areas forced these families to live in overcrowded conditions, or doubling up with other families, or in living situations with a high proportion of non-relatives. The physical conditions found where displaced families had to move to could have higher health risks due to these kinds of situations.

Yet another instance describing the connections between housing and environmental injustice:

“Historically, the health and safety of New York City Housing Authority (NYCHA) residents have been negatively impacted by poor building infrastructure and other issues related to operations and accountability, most of which are tied to the fact that it has been chronically underfunded for decades. As a result, the New Yorkers who rent apartments in NYCHA developments often have to endure environmental challenges such as mold, lead, and pests along with substandard service in terms of repairs and other basic issues.”⁴⁷

This connection is also described by the *New Hampshire Center for Equity and Justice*. In a blog titled “Environmental Equity in New Hampshire: Advocating for Justice and Change” --and based on an interview with Arnold Mikolo, an environmental justice leader with the New Hampshire Conservation Land Trust—the writer states that,

“Recognizing that future development and policy decisions will shape the landscape for years to come, these advocates are engaged in forward-looking efforts to ensure equity in all aspects of environmental policy. As new policies are formulated and development projects are initiated, they are actively pushing for considerations that prioritize inclusivity, affordability, and resilience...One area where this forward-looking approach is particularly critical is housing. The lack of affordable housing in New Hampshire exacerbates the challenges faced

⁴⁶ Federal Housing Finance Agency, Questions and Answers on the Duty to Serve Program (12 CFR Part 1282, Subpart C), Version 2023-2; <https://www.fhfa.gov/PolicyProgramsResearch/Programs/Documents/DTSQuestions-and-Answers-v2023-2.pdf>.

⁴⁷ WE ACT for environmental justice, *Policy Agenda 2024 Campaigns and Initiatives*, New York City, p.19; at: <https://www.weact.org/publications/policy/2024-policy-agenda-cover-350/>.

by many communities. The environmental justice movement aims to integrate affordable housing policies with climate resilience measures, ensuring that vulnerable communities have access to safe, affordable, and climate-resilient housing options.”⁴⁸

While there are historical roots and judicial decisions that tend to show how environmental justice is deeply connected to fair housing and fair lending issues, the next section of the paper shows that there are still some continuing disconnects as far as community organizing is concerned.

Some continuing disconnects

The *Fifth National Climate Assessment* highlights inequities about the origin and impacts of climate change today: “...low-income communities and communities of color often lack access to adequate flood infrastructure, green spaces, safe housing, and other resources that help protect people from climate impacts. In some areas, patterns of urban growth have led to the displacement of under-resourced communities to suburban and rural areas with less access to climate-ready housing and

infrastructure. Extreme heat can lead to higher rates of illness and death in low-income neighborhoods, which are hotter on average (Figure 1.8).⁴⁹ These inequities have genesis in earlier discriminatory housing policies:

“These disproportionate impacts are partly due to exclusionary housing practices—both past and ongoing—that leave underserved communities with less access to heat and flood risk reduction strategies and other economic, health, and social resources. For example, areas that were historically redlined—a practice in which lenders avoided providing services to communities, often based on their racial or ethnic makeup—continue to be deprived of equitable access to environmental amenities like urban green spaces that reduce exposure to climate impacts. These neighborhoods can be as much as 12°F hotter during a heatwave than nearby wealthier neighborhoods.”⁵⁰

Despite overlapping history and effects today, connecting EJ with fair housing and fair lending actions is not as prominent as it should be. Potential interconnections about climate change, the housing crisis, and building new green economies are not emphasized in some discussions among civic activists.

Ajamu Brown, a New York City-based housing and health strategist, observes that “the level of collaboration between community organizations working in environmental justice, fair housing, and fair lending has historically been limited, despite the significant overlap in the issues they address. There is a need for greater coordination and integration of these efforts.” But affirmatively furthering fair housing lens is explicit about the connections between housing, public health, public safety, local economic development, public schools, transportation, and zoning. Such a lens could strengthen the

⁴⁸ <https://nhcje.org/blog/environmental-equity-in-new-hampshire-advocating-for-justice-and-change-r8raz>. ⁴⁹ Jay, A.K., et al., “Ch. 1. Overview: Understanding risks, impacts, and responses” In: *Fifth National Climate Assessment*. Crimmins, A.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, B.C. Stewart, and T.K. Maycock, Eds. U.S. Global Change Research Program, Washington, DC, USA, p.I-19; <https://doi.org/10.7930/NCA5.2023.CH1>.

⁵⁰ Ibid., p. I-20

reach and impact of environmental justice strategies and work and result in more equitable distributions.

The call for organizing around these interconnections is discussed in the Boston Green Ribbon Commission’s report, *Boston Green Ribbon Commission and Embrace Boston: Our Shared History Report* (March 29, 2023).⁵¹ It points that:

“The impacts of climate change do not fall equally on all neighborhoods and households in Boston. Some places and people are more exposed, due to their location, to effects that include flooding from sea level rise heavy rainfall, or extreme heat. Others are less able to bounce back from climate impacts because their access to financial and community resources is constrained. A wealth of data shows that these climate vulnerabilities are

disproportionately borne by Boston's communities of color, even though they have contributed far less to the greenhouse gas emissions that cause climate change."⁵²

The report describes how this situation was borne via decades of housing discrimination.

Former Boston state representative, Nika Elugardo, acknowledges that there is growing awareness on the part of community-based organizations, but fundamental work or what she refers to as 'community systems mapping work' in the environmental justice and housing spaces is still limited:

"Many CBOs are recognizing the need for interdisciplinary collaboration and are working hard at this. However, I think we still lack real community systems mapping work in Massachusetts in the EJ x Housing space. By this, I mean engaging on-the-ground stakeholders in mapping out and evaluating systemic intersections between housing, financing, and EJ— with an eye for opportunities for practical leverage in both policy and grassroots initiatives. Disclaimer: I am far from knowing all that is going on in MA since I spend most of my time in DC these days."⁵³

While individuals contacted for this study highlighted the clear benefits of collaboration across these areas, they nevertheless offered some second thoughts about the possibility of such. For instance, Dr. Elena Letona, a former executive director of *Neighbor 2 Neighbor*, and longtime community activist explained that:

"People and communities are whole. We are not a collection of disjointed "issues". In fact, people and communities are not "issues". But for as long as I've been at work, change has been driven by single issues and to "reform" them or change them marginally. So, collaboration across not just EJ and housing, but EJ and jobs, EJ, and health, not to mention other "issues", would benefit our communities greatly. The question, to me, is what is at the root of all these

⁵¹ <https://greenribboncommission.org/document/boston-green-ribbon-commission-and-embrace-boston-our-shared-history-report/>.

⁵² Ibid., p.4

⁵³ Email correspondence, March 11, 2024.

"issues"? What do they have in common? And as we know, the real problem is power, as in who defines/decides what the "problem" or "issue" is; what is the solution? Who will lead the change? how and who will be funded, etc. The powers that be answer those questions, have the resources to make their answers reality, and have an interest in not changing things too much..."⁵⁴

Dr. Ramon Borges-Mendez, a leading international scholar on sustainability and social justice, is a bit more sober about the current situation and collaborative possibilities:

"Whereas the level of discourse seems to suggest that the level of collaboration on EJ, fair

housing, and fair lending is strong, the reality is that is quite difficult to implement projects that align or combine such three objectives. Currently, the proposition of combining the three is expensive. For instance, LEED certification requires higher expenditures from the CDC (and developers hesitate) or incorporating energy efficiency into projects adds new layers of administration and compliance (with the Dept of Energy)-- managing the subsidies is complicated. Speaking of fair lending, banks and lenders seem not to pay too much attention to the matter of aligning the three objectives. Some applications to low-income housing tax credits are emphasizing the triple objectives, while others are not.”⁵⁵

One reason for this sober observation is that the public is not aware of the significant benefits that can emerge with inter-sector work. Dr. Borges-Mendez continues:

“The benefits are difficult to convey to people and government agencies, but the benefits are real. For instance, sustainable energy housing development has been quite effective in Main South CDC (Worcester) in reducing the cost of utilities. The benefits will accrue over time, and to some extent, they are "invisible"--but real. You may also eliminate various forms of "energy poverty", and "supermarket redlining" through environmental justice planning, and enhance the opportunities for CDCs to address other areas of community infrastructure (parks, green spaces, place-making).”

But Dr. Borges cited three organizations that are doing inter-sector work effectively: Mission Economic Development Agency (MEDA) in San Francisco; Asociacio`n Puertorrique~os en Marcha, in Philadelphia; and the California Housing Partnership.⁵⁶

Marvin Martin, Executive Director of *Action for Equity*, a longtime community leader and activist offers a similar sobering view: “My experience is that the level of collaboration is lacking, particularly in the fair lending field. I am not sure how you are categorizing fair lenders, but I see two

⁵⁴ Email correspondence, March 28, 2024.

⁵⁵ Email correspondence, March 12, 2024.

⁵⁶ Mission Economic Development Agency (MEDA) at: <https://www.facebook.com/medasf/>; Asociación Puertorriqueños en Marcha at: <https://apmphil.org/>; and California Housing Partnership at: <https://chpc.net/>; other community-based efforts and organizations mentioned by interviewees or cited in the literature include the Community Corridor Project organized by the SCC in Somerville, Massachusetts; the Environment Justice Center in Athens, Georgia, and others.

divisions, one being community groups advocating for fair lending, and the other being the financial institutions that consider themselves fair lenders. I do not see either of them moving outside of their capitalistic paradigms to collaborate with EJ or Fair Housing advocates. For the most part, the community advocates for fair lending are CDC’s, whose bottom line is profit just as the for-profit developers.”⁵⁷

Ana Luna is the former executive director of Arlington Trabajando in Lawrence,

Massachusetts. She served in this position for more than 20 years and was involved in a range of community-building initiatives dealing with environmental justice, fair housing, and fair lending.⁵⁷ Despite the work of ACT, she recalls that at times collaboration with more EJ-focused organizations was difficult. Some people in her community felt that some of the EJ organizations were not sincere about including their voices in decision-making. And in some cases, it seemed convenient to use the ACT's name for some activities, but without sharing resources. Another problem had to do with the very fact that ACE was involved and more active with housing and fair lending practices in their community, but this was not on the radar screen of some potential EJ collaborators. There was an uptick in collaborative initiatives as a result of the pandemic where smaller community-based organizations like ACT were crucial given their connections to the community.

Luna's observation was repeated by Dr. Gloria Caballero Roca, an activist and elected official based in Holyoke, Massachusetts, where she implied that environmental justice is sometimes removed from the daily struggles of low-income and working-class families: "Environmental Justice is all and foremost housing, infrastructure, education, and safety justice for all. Trees and air quality are not justice [issues] for those who struggle to pay the bill, for those who are living in shelters with mice and roach infections, and for those whose mental health needs repair and medical support: EJ should involve all stakeholders affected and having a responsibility to make sure that the human environment is humane, close to the real needs of the people and that it yields safer communities, healthier bodies and spaces, better-paying jobs and transportation for all."

Another explanation for the sometimes-disconnected work on behalf of environmental justice, fair housing, and fair lending is that EJ is guided by executive orders that are facility-based. For example, environmental justice is governed by Executive Order 12898 (1994) and Executive Order 14096 (2003); fair housing is based on Title VIII of the Fair Housing Act and Title VI of the Civil Rights Act of 1964. According to Jenifer Thomas, Associate Professor at the Department of History, Bucknell University in Lewisburg, Pennsylvania, the silos between EJ and Fair Housing article have some roots in the recalcitrance of the Environmental Protection Agency in being aggressive about racial discrimination and disparities in the agency's earlier history.

⁵⁷ Email correspondence, March 11, 2024.

⁵⁸ An example of ACT's inter-sectoral work involved their actions related to waves of foreclosures in Lawrence beginning in 2007. See, James Jennings, "Organizing in a Latino Community" in Horace R. Hall, Cynthia Cole Robinson, and Amor Kohli, *Uprooting Urban America: multidisciplinary perspectives on race, class, and gentrification*, Peter Lang Publishing (2014).

As explained by Professor Thomas, while paying lip service to Title VI of the 1964 Civil Rights Act, the agency virtually ignored Title VIII of the Fair Housing Act of 1968:

"A widespread narrative holds that the Environmental Protection Agency (EPA) did not recognize environmental racism until it faced pressure from environmental justice activists

in the early 1990s. This article demonstrates to the contrary that the agency was well aware of environmental racism from its founding. Despite repeated criticism from the United States Commission on Civil Rights (USCCR), activists, states, and EPA employees, the agency repeatedly refused to take meaningful action to enforce its civil rights and fair housing obligations. EPA's early recalcitrance mitigated against the agency later taking substantive action on environmental justice. Ultimately, EPA's behavior in its 50 years furthered the structural racism at the heart of the U.S. national project."⁵⁹

Politics and differing ideologies can inhibit cross-sector collaboration in these areas. There has been and will continue to be resistance to pursuing environmental justice, fair housing, and fair lending as interconnected, especially as it threatens corporate or wealth interests. Recently a federal judge declared that "pollution does not discriminate" defying decades of information, studies, government and private sector admissions, and concerns about environmental racism and injustices. A news outlet reported that:

"U.S. District Court Judge James Cain, Jr., appointed in 2018, ruled in favor of Louisiana eight months after GOP Attorney General Jeff Landry sued the Environmental Protection Agency (EPA), aiming to stop the Biden administration from opening investigations into violations of Title VI under the Civil Rights Act of 1964. Title VI prohibits recipients of federal funds from discriminating against state residents based on race and national origin and allows residents to petition the EPA arguing that state agencies have intentionally discriminated or disparately impacted a particular community. In the U.S. District Court for the Western District of Louisiana, Cain ruled that Title VI requirements amount to "government overreach" and said in the decision that "pollution does not discriminate."⁶⁰

If there is one recent judicial decision that highlights the need for continual and expanded community mobilization and collaboration in, and across localities, on behalf of environmental justice, fair housing, and fair lending, then this could be it. The claim that "Pollution does not discriminate" essentially ignores the legal histories and contexts leading to the adoption of environmental justice, affirmatively furthering fair housing, and ensuring fair lending practices. But these are the very connections that grassroots organizations must mobilize around and make clearer in their communities.

⁵⁹ Jenifer Thomas, "Civil Right Enforcement and Fair Housing at the Environmental Protection Agency", *Environmental Justice*, Volume 14, Number 5, 2021, p.345.

⁶⁰ Julia Conley, "Major Blow': Trump-Appointed Judge Bars EPA From Enforcing Civil Rights Protections" (Jan. 24, 2024); at: <https://www.commondreams.org/news/epa-civil-rights>.

Despite the Cain decision, several individuals providing input to this study noted that the three spaces are inherently connected. As explained by Brooke Floyd, Co-director of the People's Advocacy Institute, "Environmental Justice includes fair housing and fair lending. They are connected. It is on

the EJ organizations to connect the dots for those who cannot see the bigger picture. All of our communities are dealing with environmental justice issues that are directly related to our housing, water, food, education, and employment, which are all of course connected to fair lending practices. EJ organizations, and those organizations that champion EJ issues, have to educate the community, empowering them to demand more, know their rights, and work together to develop systems that help us all thrive.”⁶¹

⁶¹ Email correspondence, May 2, 2024.

There are at least six key potential benefits that could be associated with collaborative work among grassroots organizations working intersectoral in environmental justice and fair housing, including:

- Generating ‘economies of scale’ in tackling community problems since ‘divisions of labor’ become possible.
- Increasing civic and community participation.
- Expanding collective political power and influence of residents
- Enhancing the impacts of grassroots activism in the areas of environmental justice, fair housing, and fair lending
- Increasing the likelihood of funding and resources, especially as it involves climate change issues.
- Enhancing the legal reach of environmental justice activism

These benefits are explained below.

More inter-sector work among organizations involved in these three areas could expand community participation in challenges faced by communities. The latter would be consistent with HUD's requirements of substantial community participation in its housing programs and designs. Its *Fair Housing Tool Kit*, Module 4 states as key to community participation learning “...WHO needs to be engaged in Fair Housing Planning from the community; ...WHAT are best practices for Community Participation...HOW to reach protected class populations and organizations that advocate on their behalf.” This module also examines the best practices and benefits of community participation in fair housing planning.⁶²

Jennifer Lawrence, Executive Director of the Sasaki Foundation, opines that inter-sector work is important because “Community organizations know what they need in their communities, work with and come from the community, and understand the interdependence of environmental justice, economic independence, fair housing, and how systemic injustice affects all of it.” And “Community members are experts in what they need. They know from their experiences that there is an overlap between these areas. The benefits include building communities that address many challenges, instead of just one at a time. We could see more comprehensive solutions that have the potential to solve environmental injustices in our communities and not displace residents at the same time.”

⁶² https://www.hud.gov/program_offices/fair_housing_equal_opp/fhp_toolkit/module_4.

Vivian Morris suggests that there are at least two benefits associated with strategic collaboration: first, “The benefits of collaboration are multiple: more opportunities for broadening the bases of all organizations; greater opportunities for educating the community on the root causes and changes needed; increased overall unity within communities.” And second, “Learning how the needs for both more green spaces and more affordable housing can be achieved together in low-income communities.”

Coffey, et al., make a convincing argument for imbuing work across these three sectors, “Compliance with Title VI of the Civil Rights Act, the Fair Housing Act, and Executive Order 12898 must be fully realized” and this will result in greater local political power for grassroots organizations:

“If vigorously enforced, these civil rights laws could be powerful tools to address environmental justice and remediate discrimination. The relevant federal agencies must take corrective action when there is noncompliance and harm to communities of color. All new construction, redevelopment, and rehabilitation of federally assisted housing must also trigger appropriate civil rights review. When existing housing is located within an environmental justice community, or where new housing intends to be sited there, HUD’s Site and Neighborhood standards should be deployed so that residents are not disproportionately exposed to environmental hazards upon the infusion of new capital. These standards should also be amended to reflect consideration of the human health risks associated with living near a Superfund site.”⁶³

Beyond enhancing local political power there are other potential benefits for on-the-ground organizations as discussed below. Dr. Elena Letona notes that: “I am not so certain that this historical overlap has been that evident for communities.” While she admits that this has changed over the past decade or so, it is an uphill struggle. Yet, Dr. Letona points to the history of redlining as a nexus for equity struggles in the areas of health, jobs, and housing. But she is concerned that:

“Generally, this way of understanding "intersections" I feel is fairly new. And it continues to be a challenge to imagine campaigns, organizing, and advocacy in a more integrated way. This is not because communities and community leaders do not experience those intersections in their daily lives. They do. I have always said, for example, that immigrants are not an "issue". We are people, and thus, all policy areas will affect us in one way or another. The challenge lies in the way the institutional landscape is structured in such siloed ways. For example,

⁶³ Emily Coffey, Kate Walz, Debbie Chizewer, Emily A. Benfer, Mark N. Templeton, Robert Weinstock, *Poisonous Home: The Fight for Environmental Justice in Federally Assisted Housing* Shriver Center on Poverty and Law and EARTHJUSTICE (June 2020); at https://www.povertylaw.org/wp-content/uploads/2020/06/environmental_justice_report_final-rev2.pdf?ref=marleyk.net, p.53; also see, Robert G. Schwemm’s legal analysis of federal regulations Section 3604(a) and Section 3604(b) as constitutional possibilities – and limitations -- to raise challenges against municipal policies and practices on the basis of environmental justice and fair housing: “Cox, Halprin, And Discriminatory Municipal Services Under The Fair Housing Act, *Indiana Law Review*”, Vol 41, (2008).

nonprofits have missions that define communities, geographical areas, and issues. The legislative process and administrative apparatus are notoriously siloed, as are Foundations with their ‘funding priorities.’ My sense is that this historical fragmentation and siloing is slowly beginning to change.”⁶⁴

Dr. Kwame Mark Freeman believes that “The benefits of collaborating for communities can be all-encompassing. Often, a collaborative effort starts out addressing one issue or problem. When the various collaborative bodies have successfully attained their goal or objective, a sense of pride and confidence takes form, which sets in place a drive to accomplish new and sometimes more challenging efforts that are just as important and meaningful as the initial effort that created the collaboration.”

In terms of collaboration across these areas, Luna states that “the biggest benefit is being able to serve a larger group of people together, as opposed to each agency supporting a small group of people. Collaborating might also provide a venue for sharing the same information (message) to residents and engage politicians to support the work.” She points out, however, as also suggested by others, that “...technical assistance should be provided to agencies to pursue collaboration grants to fund these ideas and services. Funding is necessary to sustain these collaborations.” But perceptively she adds that “... most of these collaborations are triggered by projects that are funded to one or two particular [organizations].” And then “... they engage other CBOs after the funding is awarded for a community engagement. I think agencies do this work backward where collaboration is the second step not the first.”

Aton Bridges, an organizer with RerootD Future Initiative sees key benefits to greater collaboration: “The ability to scale efforts based on successes, pool capital at a much greater density than individual org efforts, share expertise and resources, cut through red tape, and apply effective pressure to governmental policy burdens and barriers to overcome them.” As explained by Rev. Vernon Walker, the Climate Justice Program Director for Clean Water Action: “One benefit of working together would be that communities are that community members can see how housing issues and climate issues are connected.” Similarly, Amelia Rose observes: “So I think when regular people are able to just talk about their lives and experiences, they see the obvious connections between housing and local investment and environmental issues - these are definitely all connected to each other. But then it comes down to how much money is available for this priority versus another priority where we each retreat into the things we care about the most.” Brooke Floyd offers that “Collaboration would be a game changer. In communities with high poverty rates, those that are predominantly black or brown, and high immigrant populations, this would allow for healthy, thriving, and flourishing communities.”

According to Bridges there is relatively little collaborative work in these three spaces, “...but the potential for growth is massive. It will take a sustained effort to create a structure that is inviting to both new and existing organizations while also providing the space where both individual and collective visions can be nurtured and implemented” One of Aton’s colleagues, Brooke Floyd of

⁶⁴ Email correspondence, March 28, 2024.

People's Advocacy Institute in Jackson, Mississippi, also sees a disconnect, but still major potential. The disconnect is not happenstance:

“Often working in silos, which I believe has been by design, we are beginning to collaborate. When I say by design, there has been a deliberate effort to keep us at odds, with limited funding and opportunities for growth. Most of us are now recognizing the power of working together. In the environmental justice area, through the Mississippi People's Movement (MPM), formerly the Mississippians for a Green New Deal (MS4GND), a coalition of over thirty organizations focused on environmental justice, the organizations range from social advocacy to fair housing, to environmental justice, even art organizations. I know we will eventually include fair lending. Our own organization, People's Advocacy Institute (PAI), has a Community Love Fund. The Community Love Fund provides community members financial assistance without limitations based on credit scores and financial statuses that traditional banks and lending institutions rely on and most Black, Brown, and poor people do not qualify for.”⁶⁵

A degree of limited optimism is shared by others.

Juanita Gibson with the Union of Concerned Scientists, notes that more focus on working together across silos is an important development because it will provide the space for greater collaboration and trust building among grassroots organizations and initiatives spanning different silos. It can also encourage greater collaboration without adding resource and time burdens to grassroots organizations stretched in terms of budgets and resources. It is a potential opportunity to share expertise, but also best practices in terms of marketing and targeting funding resources that benefit a community.

Again, Ajamu Brown: “I think greater collaboration between these sectors could lead to more comprehensive and impactful initiatives that address the intersectional nature of systemic inequities. It could result in more holistic solutions that tackle the root causes of environmental injustice, housing discrimination, and unfair lending practices... Collaboration can be triggered and sustained through open communication, shared goal-setting, and the development of joint strategies, which may require technical needs such as data-sharing, joint grant-writing, and the establishment of cross-sector working groups or task forces.”⁶⁶

Marvin Martin is clear about the potential benefits of greater collaborative work on the part of grassroots organizations across these three areas:

“If we could come together, we could create policies that prevent displacement, allow more opportunities for homeownership, and drive down some of the costs associated with housing. The fair lenders could offer incentives to developers, who keep their post- development costs

down and realtors who create access for BIPOC residents. The fair lenders could also create incentives for developers to hire BIPOC firms and workers. Also, if we build with fair housing

⁶⁵ Brooke Floyd, Email correspondence, May 2, 2024.

⁶⁶ Ajamu Brown, Email correspondence, March 16, 2024.

As a goal, we will create more opportunities for affordable housing for BIPOC. Obviously, we want to build homes that are environmentally friendly, especially in EJ communities. Sometimes, EJ considerations can drive up costs as well, which is why we all need to be at the same table discussing these issues and coming up with the corrective mitigating factors needed to ensure a win-win for all.”⁶⁷

These comments are holistically summarized by Dr. Gloria Caballero Roca when asked what she sees would be a major benefit: “Safer, healthier, less stressed-out communities, and better academic outcomes for students, as they will have a secure space they can call home and not live like some of them, on the verge of eviction. The community is also recognizing the power that we can build around issues that affect our lives and how we, as a people, can position ourselves in the politics of building a better life for ourselves by running for different offices whose policies ultimately affect us for decades. These collaborations are part and parcel of how we demonstrate that we have the problems, we know the solutions to them and what we need to get us where we want.”⁶⁸ Dr. Caballero Roca highlights the work of organizations like N2N because they remind us “that we are not alone and that we are a strong movement because it is a grassroots momentum that builds on our shared vision of quality of life, of housing as a human right, not a luxury.”

Greater collaboration can also result in increased funding resources. Recently, for instance, \$35 billion has been made available by The Department of Transportation’s (DOT) Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation & Improvement Financing (RRIF) programs for below-market loans to finance commercial conversions near transportation. This means that the U.S. Department of Transportation is making it easier for local transit agencies “...to transfer properties to local governments, non-profit, and for-profit developers of affordable housing at no cost, some of which could have existing commercial uses that can be converted to affordable housing.”⁶⁹

Strategic collaboration can facilitate the possibility of increasing resources associated with environmental justice, fair housing, and fair lending to reduce the negative impacts of climate change. Thus, “Mitigation and adaptation actions present economic opportunities. Public and private measures—such as climate financial risk disclosures, carbon offset credit markets, and investments in green bonds—can avoid economic losses and improve property values, resilience, and equity.”⁷⁰ Only through collective organizing and ensuring the substantial participation of residents will there be guarantees that such economic benefits will be distributed equitably.

⁶⁷ Email correspondence, March 11, 2024

⁶⁸ Email correspondence, May 14, 2024.

⁶⁹ The White House, *Commercial to Residential Conversions: A Guidebook to Available Federal Resources*, October 2023, Version 1, p. 4.

⁷⁰ *Natl Assessment Report*, op cit., P. I-32.

IV: Challenges in Building Strategic and Collaborative Bridges

Individuals providing input into this report identified five key challenges that need to be overcome to trigger and sustain strategic collaborative work:

- Lack of awareness about the historical and constitutional interconnections between environmental justice, fair housing, and fair lending
- Practices and history of working within silos
- Funding sources discourage cross-silo work, and lack of adequate and sustained funding
- Initiating dialogue and building trust
- Differences in organizational priorities

These challenges are explained below.

Lack of awareness about the interconnections between environmental justice, fair housing, and fair lending

A major challenge to building strategic and collaborative bridges on the part of grassroots organizations working in these areas is a lack of awareness about how environmental justice, fair housing, and fair lending overlap and are interconnected. A reason for this lack of awareness, as suggested by Vivian Morris, is that community organizations may not have a “Deeper understanding of the historic inequities impacting each sector.” There is a lack of information and education about the latter. These organizations must have “greater clarity on understanding how affordable housing can be created in a way that also supports environmental justice.” However, she adds that this is not only a situation facing community organizations, but funders as well: there is a “Need for funders to understand the interrelationships among the sectors and be willing to support the integration.”

Marvin Martin holds a similar view. He opines that community-based narratives must change to reflect the interconnections between environmental justice, fair housing, and fair lending: “Creating a narrative that shows common goals. For instance, an energy-efficient home will be more valuable on the market. Create awards and certification standards for fair housing developers and fair housing lenders such as the EJ awards like LEED.” There has to be a “collective vision,” but not one that ignores or de-prioritizes class and racism.

Practices and history of working within silos

Due to historical government and philanthropic funding patterns many grassroots organizations work in silos, even if organizations across such silos serve the same constituents. Silos limit awareness

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of how environmental justice, fair housing, and fair lending are part of the same umbrella. But as one person noted, “EJ organizations often don’t know the housing and lending business.” And the same can be said about fair housing and fair lending efforts that are disconnected from environmental justice issues. Rev. Vernon Walker posits that it is actually “easy for housing groups and environmental groups to get in silos,” but “[we can’t truly have climate justice without housing justice.]. One reason for the silos is due to different funding streams but also because the narrative of collaboration is not strong enough.

Sonja Spears, the Chief Justice and Equity Officer for Union of Concerned Scientists, USA, explains that silos inhibit effective responses to structural racism; that is, “Structural racism is persistent because of silos.” And “Organizations are not used to working in broader collaboration.” This is changing slightly, but she adds: “There should be defined connections.” Education is important to make more people aware of how these spaces are related. But education is not just information, but more critically “...education to expose” according to Spears.

Increasingly there is a greater acknowledgement that silos have to be discouraged to reach maximum impact. As noted earlier, HUD is encouraging cross-silo funding and work. In Massachusetts, as another example, the state’s Executive Office of Energy and Environmental Affairs describes the scope of environmental affairs as including supporting “... protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency., which includes: (i) the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and (ii) the equitable distribution of energy and environmental benefits and environmental burdens.” 71

Funding sources discourage cross-silo work, and lack of adequate and sustained funding

A major obstacle highlighted was the time, effort, and resources needed to plan and sustain

collaboration, something that may not be prioritized by funding sources compared to delivery of services. There should be greater levels of resources also for technology and social media tools that can help facilitate communication across grassroots organizations at many levels. Aton Bridges notes that:

“Building these new models and bringing the stakeholders together requires, for lack of a better word, startup resources to challenge the existing socio-political paradigm dominated by real estate industry interests. Local anchor institutions with facility space and other resources could drastically cut the need for capital if they are willing to host and sponsor the collaborative

⁷¹ Jennings, et al., *Advancing Fair Housing*...P.28; also see,

<https://malegislature.gov/Bills/191/H4912/Amendments/House?pageNumber=1&direction=asc&sortColumn=AmendmentNumber&keyword=Madaro>; Pierce Louis and Alexandra Skinner, “Environmental Justice Finally Legitimized in Massachusetts” Viewpoint, *Public Health Post* (October 21, 202x); at: <https://www.publichealthpost.org/viewpoints/environmental-justice-massachusetts/>

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organizations doing the work. In the case of universities as anchors, they could also provide academic expertise on various aspects of housing, banking/lending, economics, sociology,.. while creating novel research opportunities in those areas. Going further, lending institutions and Fortune 500 corporations could direct pre existing community grant funds toward supporting and sustaining these collaboration efforts. There is also a powerful opportunity for those community-based lending institutions that have been recipients of transformational deposits to be the primary lenders of actual development and building projects as well as providing home loans. They can also leverage their prestige and relationships as banking institutions to serve as principal fundraisers.” ⁷²

A related obstacle that needs to be addressed is how funding cycles decide not only organizational agendas but also the possibility of sustained collaboration: “The benefits will align with the nature of the collaboration and how that is defined. The typical confab model where parties have equitable table discussions and come up with a short-range strategy will be short-lived, albeit better than nothing or the typical inequitable models. While in MA I think we can hope for these types of conversations to center equity, if history predicts, they will likely ride cycles of funding and last as long as the clear but time-limited opportunities for newly accessible resources remain in play.”

This echoes some of the words of Dr. Caballero Roca who sees a direct connection between adequate and ample resources and progressive leadership. Leadership must be about organizing the community, but this requires resources for basic elements of organizing: “There is no leadership if we are not part of organizing the community, if we are not capable of understanding that our fight is collective and that the people united will never be defeated. To achieve that, we need technical support and for that we need money: money to equitably and sustainably contribute to those who walk, door knocking, collect signatures, print material, invest in their spare parts for their cars, in gas, in their wellbeing, when it comes to nourishing our bodies with healthy foods so that we can keep momentum, to travel to where those who make decisions are, and to let them know that this is a people who know how to organize and mobilize.”

Initiating dialogue and sustaining actions about shared goals and building trust

As explained by Dr. Letona, the difficulties are enormous and take time to build based on a foundation of trust: “In my experience, the most fruitful and sustainable collaborations have emerged in organic and relationship-building ways. It takes longer, but enough trust is built and enough of a shared analysis and vision is built. It takes a whole lot of organizing, though! It entails pulling a group of what I call “prima donnas”, i.e., executive directors charged with building and strengthening their organizations. Greater Boston is notorious, in my view, for stiff competition among nonprofits/leaders which makes that trust-building so difficult to achieve. I have been part of numerous coalitions, alliances, and attempts at alliances that have failed.....Power dynamics can be a real issue, as in unions vs community organizations, or “grasstops” vs “grassroots”, among ethnic/racial communities, etc.”

⁷² Email correspondence, May 2, 2024.

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Former Boston state representative Nilka Edugardo notes that there is a challenge to use resources to build “...more leaders or leader teams who are trusted across the financing, EJ, and housing sectors and who are also trained or experienced in both systems thinking and collaborative organizing.” There may also be lingering resentment related to earlier political or civic differences in the community. There must also be opportunities to identify shared goals and areas of overlap. She adds that what is required is a commitment not just to collaboration, but actually “...building a truly interdisciplinary and intersectional coalition that pairs short-range planning with longer-term development goals and monitors systemic outcomes. This I think could be life-giving and life-altering for the State and could provide a model for other parts of the country.” This implies that there should be community processes for identifying shared goals and areas of overlap.

Differences in organizational priorities and capacities

Differing organizational priorities and values –and size-- can inhibit or limit the exploration of opportunities for joint advocacy, research, and program development. As noted by Dr. Letona: “...my sense is that EJ organizations may tend to be smaller than fair housing and/or fair lending organizations. If so, power dynamics will be an issue.....I am not sure. Can bigger nonprofits be compelled to authentically follow the lead of impacted communities, i.e., BIPOC and low income/working-class communities through funding? Or can EJ organizations build enough power to be equal partners at the table? Alternatively, where are the areas where both can make common cause, but in an authentic way, even if it is tactical and not necessarily strategic”?

The following section presents potential next steps for building a strategic collaborative model, and framework in response to these challenges, and for strengthening linkages among grassroots organizations involved in the three areas.

V: Next Steps: Using Strategic Collaboration Across Sectors to Build Action-Oriented Consortiums

Inter-sector communication and possibilities of collaboration must be led and contextualized by grassroots organizations that have front-line experiences working with community residents. This will tend to avoid deficit-oriented approaches to community residents, and also be a stronger foundation for the building of long-term trust among partners. Three guardrails should be considered as background to more specific next steps discussed later:

Ensuring resident empowerment

Framing place-based work that directly benefits the quality of life in communities Not overlooking uncharted spaces for strategic collaboration: public housing; public schools; others.

These guardrails will ensure that a strategic collaborative model is not directly or indirectly co-opted by currently powerful interests. ACE can play an important role by ensuring that these guardrails are not minimized or deprioritized.

At least four areas where ACE can help to advance community-based discussions about the strategic collaborative model and reflecting these guardrails are:

- Assisting grassroots organizations in becoming more aware of ongoing community organizing initiatives that cross the three spaces. The work of coalitions such as Homes for All,⁷³ the

Green Justice Coalition,⁷⁴ the CT Coalition for Economic and Environmental Justice (CCEEJ)⁷⁵ are just a few examples, and there are others.

- Providing technical assistance and training related to accessing federal and state resources for intersectoral organizing.
- Engaging and conducting campaigns to make grassroots voices aware of existing policies and legal requirements related to these three areas. For example, information about the Community Reinvestment Act, the Equal Credit Opportunity Act; or the Home Mortgage Disclosure Act are fundamental as is the need for a greater understanding of implications related to ‘affirmatively furthering fair housing.’”

⁷³ <https://www.homesforallmass.org/about/>.

⁷⁴ <https://greenjusticecoalition.org/take-action-beps/>.

⁷⁵ <https://grassrootsfund.org/groups/connecticut-coalition-for-environmental-justice>.

- Playing the role of a *backbone* organization connecting grassroots organizations and initiatives across the three spaces.⁷⁶ In this way it facilitates and supports new and ongoing collaboration among grassroots organizations organizing across the three spaces.

Ensuring resident empowerment

One crucial step in strengthening collaboration is to acknowledge local expertise: again, Sonja Spears, “There is expertise in the community; it should be valued and cultivated.” This echoes her colleague Juanita Gibson, “People on the ground who realize the importance” of problems and who consider what might be effective responses...must be at the table. Along this line, Anderson points to the value of “People’s Tribunals” where local residents can have opportunities to describe problems related to environmental injustices and racism and connect it to fair housing and predatory lending. This means that resident participation is key and the glue for a strategic collaboration model with the greatest chance of successful impacts.

Residents must be involved in 1) defining and prioritizing the problem or challenges to be undertaken; 2) reviewing and adopting appropriate strategies and action plans; 3) implementing strategies and actions throughout; 4) evaluating or assessing strategies utilized in terms of impacts; and very important, 5) determining how successes and limitations of the strategies and action plans will be documented via data and storytelling.

For a strategic collaborative model to be impactful, it is critical that residents are involved in meaningful ways associated with decision-making, implementation and evaluation, and equitable access to resources tapped or utilized to resolve the identified community issues or challenges; this is what is referred to as an “A “just transition”...the process of responding to climate change with transformative actions that address the root causes of climate vulnerability while ensuring equitable access to jobs; affordable, low-carbon energy; environmental benefits such as reduced air pollution; and quality of life for all.” It also includes “reducing impacts to overburdened communities, increasing resources to underserved communities, and integrating diverse worldviews, cultures, experiences, and capacities into mitigation and adaptation actions. As the country shifts to low-carbon energy industries, a just transition would include job creation and training for displaced fossil fuel workers and addressing existing racial and gender disparities in energy workforces.”⁷⁷

Again, “A just transition would take into account key aspects of environmental justice: Recognizing that certain people have borne disparate burdens related to current and historical social injustices and, thus, may have different needs Ensuring that people interested in and affected by outcomes of decision-making processes are included in those procedures through fair and meaningful

⁷⁶ See, for example, James Jennings, Kadineyse Paz, and Lisette DeSouza, *The Story of Boston's Higher Ground: Higher Ground: Accomplishments, Challenges, and Lessons, 2010-2020* at: <https://sites.tufts.edu/jamesjennings/files/2022/10/Story-of-Bostons-Higher-Ground-2010-2020.pdf>.⁷⁷ Jay, A.K., et al., op cit., P. I-47.

engagement Distributing resources and opportunities over time, including access to data and information so that no single group or set of individuals receives disproportionate benefits or burdens.”⁷⁸

Approaches to involving residents substantively in planning, decision-making, implementation, and assessment of work, as well as identification of the local issues to be tackled are critical as a foundation for strategic collaboration. This is emphasized in the study, *Poisonous Homes...*: First, it is critical that the directly impacted community be centered at all stages of decision-making, as it is ultimately their health, future, and community that is at risk. Absent meaningful engagement, and the ability of directly impacted communities to drive decision-making, environmental justice cannot be realized.”⁷⁹

These calls are similar to what Jennings, et al., refer to as "community-centered organizing" aimed “at making residents more aware of opportunities to increase and sustain civic participation and empowerment. [There is] a call ... for resources and frameworks to generate cross-sector and cross community organizing on behalf of the neighborhood. Mentioned several times was that not enough residents know about existing opportunities to enhance their livelihood or how to become more involved with neighborhood challenges. Some neighborhood sectors are not being tapped fully due, in

part, to the lack of ample outreach. These sectors include the elderly population, neighborhood-based businesses, faith-based organizations, new ethnic groups, and immigrants... This is not a call simply for more community organizers, but rather for resources and frameworks to generate cross-sector and cross-community organizing on behalf of the neighborhood.”⁸⁰

Residents must be prepared with organization and then mobilize to influence both policies and the narratives driving such. This also requires a “strong equity orientation as “glue” to develop a sense of unity among different community interests, where all voices are heard and are integral to full participation. There have to be culturally respectful spaces for a range of groups to participate in public discourses about the nature and resolution of community problems. Public education in various formats also represents a foundation for community-center organizing. In this context opportunities to involve youth consistently are important. They should be involved directly in identifying and responding to community challenges.

Framing Place-based work

⁷⁸ Ibid., p. I-47.

⁷⁹ Emily Coffey, Kate Walz, Debbie Chizewer, Emily A. Benfer, Mark N. Templeton, Robert Weinstock, *Poisonous Home: The Fight for Environmental Justice in Federally Assisted Housing* Shriver Center on Poverty and Law and EARTHJUSTICE (June 2020); at: https://www.povertylaw.org/wp-content/uploads/2020/06/environmental_justice_report_final-rev2.pdf?ref=marleyk.net, p.49. ⁸⁰ James Jennings, Lisette DeSouza, Trina Jackson, and Catalina Tang Yan *Community Voices from the Fairmount Corridor Project Impressions and Ideas on Two Decades of Change*, Report Prepared for The Boston Foundation (December 2019); at <https://sites.tufts.edu/jamesjennings/files/2020/01/reportsCommunityVoicesFairmoun2019.pdf> p.36

Advancing a strategic collaboration model is similar to the call for establishing “Transit Oriented Development Special Protection Zones” advocated by *Action for Equity* in Boston, Massachusetts. Such zones would be “one step in not just allaying these fears, but also raising community awareness about transportation and land developments that may have the potential to lead to displacement. This could be an effective organizing tool to counter “speculative practices and policies before they fully take hold in our communities.”⁸¹

According to the Jennings, et al., report, “Special protection zones, by providing information and data about real estate activity, evictions, condo conversions and resulting impacts on rents and changes in the availability of affordable housing would provide a foundation for residents to understand better neighborhood changes and advocate more effectively to pursue and negotiate development, but without displacement. Development proposals would have to be reviewed by residents to ensure that it is designed and implemented in ways which strengthen neighborhoods”⁸²

The proposal for a place-based model is similar to a major environmental justice settlement in

Chicago. As a result of a strong coalition legal and political actions were successful for the city to agree to assess the historical and contemporary impacts of land use and zoning regulations which produced “sacrifice zones.” An interagency working group was established to “Update policies related to land use, permitting, and data transparency to better protect disadvantaged communities” and to “Modernize the city’s industrial corridors to incorporate environmental justice principles.”⁸³

Another similar model is reflected in the work of PUSH Buffalo where this organization has been organizing a “Green Development Zone (GDZ).”⁸⁴ A range of activities and organizing related to housing, the environment, community economic development, climate justice are pursued as interconnected within their GDZ. Their mission is described in a recent report:

“PUSH concentrates its green development efforts within the GDZ. This 25-square-block area was chosen because of its high concentration of vacant properties, the relatively low cost of these lots and homes, existing assets such as the Massachusetts Avenue Project and the Boys and Girls Club, and the proximity of gentrifying forces. Through its work in the GDZ, PUSH demonstrates that environmentally sustainable development can benefit low-income residents. The savings on energy and utilities bills outweigh the upfront costs of green projects and make the housing economically, as well as environmentally, sustainable. And the work of greening lots and buildings provides living wage jobs for neighborhood residents and other disadvantaged workers.”⁸⁵

⁸¹ Ibid., p.28.

⁸² Ibid.

⁸³ Natural Resources Defense Council; at: <https://www.nrdc.org/bio/gina-ramirez/chicagos-historic-environmental-justice-hud-settlement#:~:text=HUD%20reached%20a%20first-of-its-kind%20settlement%20with,justice%20and%20equity%20in%20Chicago.>

⁸⁴ PUSH Buffalo; at: <https://www.pushbuffalo.org/reports/>.

⁸⁵ Skye Hart and Sam Magavern *Green Development Zone: A Model for New Economy Community Development* (June 21, 2017), p.1; at: <https://www.pushbuffalo.org/reports/>.

The authors of this report, Skye Hart and Sam Magavern, explain why PUSH Buffalo used a place-specific approach: “PUSH can make these solutions in the West Side because it is a place specific organization. If PUSH worked throughout Buffalo, its work would have to be broader in order to address more general issues. By restricting its size, PUSH can continue to be effective because it is not biting off more than it can chew. PUSH can maintain its focus on the unique needs of the West Side. It would also be difficult to prevent gentrification if PUSH had to purchase properties throughout the city instead of concentrating on one neighborhood.”⁸⁶

Efforts to ameliorate local conditions could be described as a place-based strategy but devoid of strong and consistent involvement of residents as decision-making peers or even leaders of such initiatives.⁸⁷ In a strategic collaborative consortium place-based must be strongly imbued with resident voices and direct participation in decision-making about priorities and how to pursue them.

This is why another organization, *Catalyst Miami*, also prioritizes resident empowerment. This organization is involved in place-based strategies to connect work with climate change, building worker cooperatives, advancing health equity, supporting small businesses, financial assistance services, and assisting residents with energy efficiencies. The organization insists that resident voices must be sustained as the leading force in effecting inter-sectoral change; *Catalyst Miami*:

“...seeks to solve the problem that is built into capitalism: our economic, social and political systems exclude and oppress many people. Power is concentrated in the hands of a few. Because of this, we continue to have unequal distribution of resources and vast disparities in living conditions. As a result, individuals and whole communities — especially those that are predominantly Black and Brown — face significant barriers that limit access to democratic processes and economic prosperity.” And “We feel these inequities in our own lives. And just like the communities with whom we work, we know how hard it is to change the status quo. Our communities know what we need, and meaningful change happens when communities affected by injustice can transform the systems that shape our daily lives. Achieving this requires a unified, influential, and multi-generational movement of people directly impacted by inequity, as well as their allies. That’s why building community power is at the core of our organization.”⁸⁸

Actually, this reads as an extension and continuation of the nation’s Civil Rights Movement and Poor People’s March which are unfinished but relied heavily on grassroots voices in many communities.

⁸⁶ Ibid., p.34.

⁸⁷ For one overview and discussions about place-based initiatives see, Elwood M. Hopkins and James M. Ferris, Eds., *Place-Based Initiatives in the Context of Public Policy and Markets: Moving to Higher Ground*, The Center on Philanthropy and Public Policy, Sol Price Center for Social Innovation, University of Southern California (March 2015).

⁸⁸ <https://www.catalystmiami.org/strategicplan>.

Not overlooking uncharted territories for strategic collaboration

Public housing communities could be spaces for work reflecting strategic collaboration in resolving community concerns. Public housing residents as a potential block of concerned residents and with collective economic power might be overlooked. But this should not be the case. This is a space being tapped by Groundwork Rhode Island according to its executive director, Amelia Rose:

“We reach out to housing agencies quite a bit for our tree planting work - especially public housing developments. And almost always have a great experience interacting with agencies that want to improve their properties and see trees as a positive contribution to housing and residents. GW Hudson Valley in Yonkers has also been doing a lot to prevent flooding by

installing green infrastructure at public housing developments. [GW Elizabeth in New Jersey has also been planting microforests](#) at public housing developments. I think environmental organizations bring the resources to make these collaborations happen. I cannot think of an example of a public housing agency reaching out to an environmental org - again environmental quality and improvement feel like "extra" when you are dealing with people in homes that need regular maintenance and there are just so many other issues to address."

While community land trusts are becoming more popular in acceptance and frequency there is still much space for expanding CLTs as a potential space to link environmental justice, fair housing, and fair lending. Starting to support or work with community land trusts could advance economic mobility and counter the speculative land markets that serve to inhibit truly affordable and sustained housing in communities of color and low-income communities. Amelia Rose, Executive Director of Groundwork Rhode Island considers land trusts a place where fair housing, fair lending, and environmental justice can be intertwined:

"Although, in the area of land trusts - that seems to be a place where some overlap has occurred. Southside Community Land Trust in Providence serves an EJ community, low-income, refugee/immigrant/POC communities and they are a large land trustee, if not owner, not sure how that works. There is definitely some opportunity I think to explore land trusts as a way to further collaborations that center on environmental justice while also addressing other needs like housing/lending. But fair lending... I have no idea - I do not think I have ever been in a meeting where that sector came up, except maybe via LISC? It is also the nature of working for a small-ish environmental organization that we in this sector are not as familiar with financial arrangements or possibilities even, whereas people working in housing deal with financial arrangements much more."

Cities and towns in the New England region have a lot of vacant and publicly owned land that is underutilized. There are hundreds of vacant properties in urban areas that are off the market and not being utilized. Local grassroots organizations should be aggressive about pursuing this possibility as one that immediately crosses the three spaces of environmental justice, fair housing, and fair lending. Part of this strategy should include a review of building codes that may be keeping low-cost housing

off the market. Of course, dirty and decrepit buildings that are not maintained or clean, especially if concentrated in some urban spaces, raise EJ and Fair Housing concerns.⁸⁹

Fair housing and fair lending can be part of any environmental justice discussions in identifying potential and doable action steps to alleviate or eliminate problems facing local communities. These can involve public health, housing, transportation, siting of toxic facilities, and other stressors. Public schools can also be areas where parents and youth are organized around the connections of environmental justice, fair housing, and fair lending. There are many reports about how parents have struggled for cleaner and climate-friendly schools, or school yards that are developed and

maintained in ways which reflect resident priorities for public safety and health.

*Policy-level **and** Bread and Butter Issues and Actions*

Long established progressive coalitions are carrying out impressive work in focusing on policy changes related to all three areas discussed above. The work of coalitions seeking to change adverse policies only helps grassroots organizations as they seek to resolve very local problems. These coalitions should be supported and partnered with. But the strategic collaboration proposed here more directly targets ‘bread and butter’ issues, stark and extremely local problems facing low-income and working-class communities in the areas of transportation, environmental racism, disinvestment and inequitable investment, climate change, public and community safety, public schoolyards as community spaces, decent and affordable housing, rising rents and evictions, zoning and fair housing issues and fair lending issues related to mortgage distribution patterns; insurance and appraisal discrepancies by race, ethnicity, and location.

There are many ‘bread and butter,’ smaller issues within these broad areas that consortiums can decide to take on and resolve. These are issues, furthermore, that can span the three spaces of environmental justice, fair housing, and fair lending. The Boston AFH identifies several fair lending issues and problems for resolution. These include potential actions to ensure that insurance and real estate sectors comply with affirmatively furthering fair housing. This document may be a useful source for other communities seeking to strategize across the three areas.⁹⁰

As a first step, there should be a lead grassroots organization charged with the task of starting preliminary engagement for subsequent discussions and meetings about implementing a strategic collaborative framework for resolving problematic local issues. The author suggests a sort of

⁸⁹ Marilyn E. Kaplan and Mike Jackson, “Hiding in Plain Sight: How Reconsideration of Codes for Existing and Historic Buildings Can Expand Affordable Housing” *Cityscape: A Journal of Policy Development and Research* 25, 2 (2023), p.403.

⁹⁰ These interconnections are a major theme in the City of Boston Assessment of Fair Housing report adopted on January 20, 2022: “Fair housing cannot be ‘silo-ed.’ -Strategies to promote fair housing should reflect connections to public schools, public health, public safety, and the availability of economic opportunities.” <https://content.boston.gov/sites/default/files/file/2024/04/City-of-Boston-Assessment-of-Fair-Housing-2023.pdf>.

demonstration phase where a grassroots organization is identified in communities of color in Lawrence, Massachusetts; Holyoke, Massachusetts, Springfield, Massachusetts; Providence, Rhode Island; and Hartford, Connecticut, as a start. The criteria for identifying a potential lead organization for initial engagement efforts is that it must be substantively grassroots and have a relatively long history of grassroots organizing and activism; a history of teamwork with other grassroots organizations or initiatives in the same city; and communities of color, the organization must show a history of being led by people of color or involving a substantial presence of people of color. Also, the

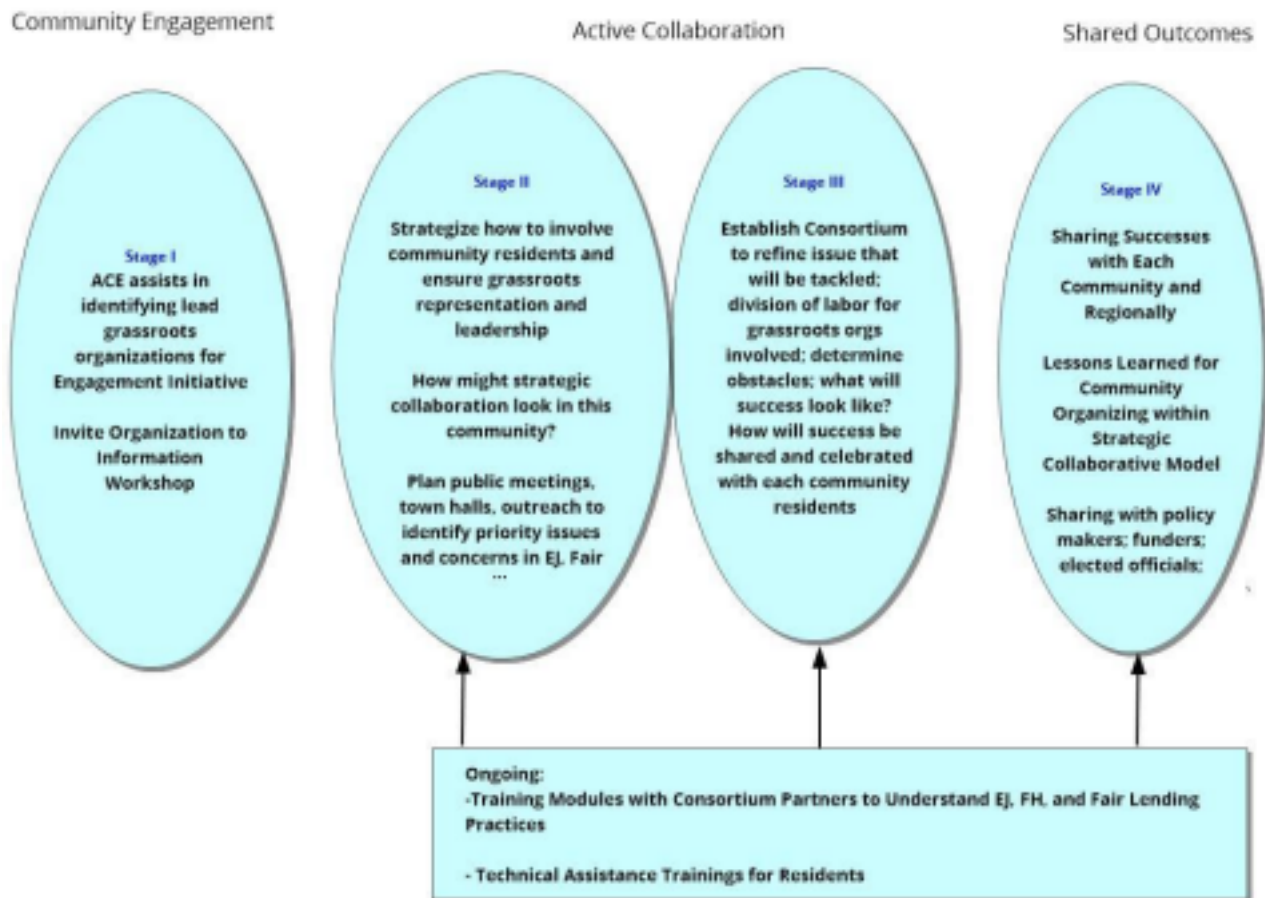
Board or Advisors associated with the lead organization must be supportive of this initiative.

Additionally, the lead or co-lead organizations must be seen as “Credible anchoring organizations” according to Aton Bridges. There is also a need for investments in training and the building of expertise. The lead or co-lead organizations must “...bring more into the fold and educate, share, and lead. Gatekeeping the information does not move the work forward, nor help the people we are serving. Also, most of these organizations are newer, black, or brown led, and have women as leadership. They need funding, they need technical assistance to build capacity including grant writing, comms, administration support, infrastructure support, legal support, accounting/budget management support, etc.” according to Brooke Floyd.

Identified grassroots organizations working in the areas of environmental justice, fair housing, fair lending, as well as social and economic justice organizations would be invited to read a synopsis of the strategy paper and if interested, invited to a workshop sponsored by ACE. At this workshop, discussions would focus on interest, questions, and the possibility of submitting a planning proposal, along with a budget. The proposal could use the four stages as a framework but have the flexibility to translate into their local situations.

The lead organization (s), working with ACE and other partners, including social justice grassroots organizations, should receive initial funding to a) generate a list of organizations and initiatives working in any of the 3 areas, or social justice issues, in their local community; and b) initiate meetings with grassroots leaders who might be interested in participating in a strategic collaborative initiative as described here; c) plan a collaborative process to identify 1 or more highly localized issues that the consortium would tackle; and d) funding and resources to initiate and complete, and measure the impact of actions on the issues selected.

The discussion below explains in greater detail how these *proposed* stages can be pursued. The author emphasizes the *proposed*, because the stages are not cast in stone, but rather be flexible as a response to local conditions and community participation and input. Related to this point is the emphasis that collaborations do not have to be uniform or operate only as templates but vary in format in terms of the issues that are addressed. But they should be representative of activists in the three spaces and also bring some degree of experiential work in these areas.



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The discussion below focuses on specific ways in which this approach and stages could be triggered and maintained in EJ communities. But some overarching queries should be part of initial engagement efforts:

- Are there laws, city regulations, or practices, which inhibit the pursuit of environmental justice advances?
- What kinds of local, state, and funding streams exist for EJ and fair housing work?
- Who are the key stakeholders among residents?
- Which government bodies or agencies are most germane to the community issue identified?
How do government bodies and private sector actions/inactions impact the targeted issue?
- Why is this issue important and how does it connect with EJ, fair housing, and fair lending practices?
- How will the community be informed, and kept abreast of relevant developments?

- How will community residents be part of the decision-making apparatus for the issue-oriented consortium?
- How does the issue reflect inequities in the city or region?

The stage descriptions below are only meant to suggest how engagement and implementation might take place. These descriptions must be refined by local organizations and residents based on their own defined priorities.

Stage #1

Lead or co-lead organizations should review which grassroots organizations are doing work in any of the three areas in their community or city. Part of identifying potential partners could begin with using the state's identification, and location of environmental justice communities and then asking which grassroots organizations or initiatives might be located in these areas. After the identification of populations and locations to be served, organizations should consider how to pursue 'strategic collaboration' across the sectors, forming issue-oriented consortiums.

There should be meetings with select community-based organizations to a) share information about EJ, Fair Housing, and Fair Lending; b) explore what organizations see as major challenges and opportunities; and c) determine the kind of information and training that potential lead or co-leading organizations identify as key in pursuing a strategic collaborative model for actions. Specific tasks for these latter organizations include determining how collaboration should be pursued for specific

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actions; helping to determine how decision-making will take place; how to reach organizations involved with fair housing and fair lending; determining staff and organizational needs; collectively developing a sense of what success will look like, and how it will be measured; and how will this information be shared broadly in given communities.

As described in an earlier report by the author, "Strategic collaboration includes actions on the part of nonprofits to create or identify the collective impact on a community challenge or problem...this includes planning and actions to create, or identify, or advocate on behalf of community-wide interests and agendas for improving local living conditions."⁹¹ This will help to guarantee collective impact across the areas of environmental justice, fair housing, and fair lending. It could also enhance the political and civic strengths of community-based organizations in these areas because they will be working collaboratively.

Vivien Morris warns that "EJ organizations should take a broad view when reaching out to community organizations and be fully inclusive – not just housing and fair lending groups but all community organizations." This is a critical point because there may be some groups working on

social justice issues that may not be on the radar screens of those doing work in environmental justice, fair housing, or fair lending areas. Grassroots social justice organizations can be gateways to working with new residents, immigrants, or those needing language assistance.

Dr. Kwame Mark Freeman provides a framework that might be useful in this Stage, and specifies specific steps that should be considered:

“A collaboration can and should be triggered by ensuring that each potential participating party is clear about the unit of analysis...forming a formal collaboration effort. Once the unit of analysis has been established, an outreach effort must be developed and implemented to ensure that the targeted community and/or communities are in accord with the need(s) to be addressed. If the need/problem has not been clearly established, this effort will be accomplished by using media efforts, establishing community forums, garnering support from all appropriate elected officials, garnering support from prominent members of the targeted geographic area for which the collaborative parties have directed their efforts.”⁹²

Place-based consortiums could yield increased funding, along with greater program flexibility as they represent and advocate for collective and comprehensive responses to community problems. But a warning: “Collaboration requires a stable fiscal and funding base that is associated with a strong organizational infrastructure...” It must be sustained with continuing input from residents. Here the government and foundations can play a key role in supporting these kinds of consortiums. Jennifer Lawrence explains that “funders can trust community groups to create solutions together with large,

⁹¹ James Jennings, *Community Based Organizations and the Nonprofit Sector in Massachusetts: Where Do We Go from Here?* (September 2005); at: <https://sites.tufts.edu/jamesjennings/reports/>.

⁹² Dr. Kwame A. Mark Freeman, Working Paper Prepared for Study, “Fair Housing, Fair Lending Practices, and the Transformation of Environmental Injustices to Environmental Justice in Urban and Regional Spaces” (April 19, 2024).

multi-year support. Funding collaborations with experts in the field can also sustain the process by ensuring that the technical needs are met. If folks are working on remediating brownfields to turn them into affordable homeownership opportunities using fair lending practices, for example, the potential expertise could include bankers with fair lending expertise, housing developers, and environmental remediation skills.”

Stage #2

Begin a process for identifying the major concerns facing the community. This is an opportunity to begin engaging residents in defining for themselves what they see as a problem they are facing on their block, or more broadly their community. This process should lead to the identification of one or two issues that will be tackled collaboratively over some time. The consortium should decide on a division of labor among participating organizations. This can also be a review and expansion of current actions or initiatives in terms of how strategic collaboration can be pursued across the three

spaces.

Nika Elugardo states that this can start “...with identifying the stakeholders in each of the three areas (EJ, housing, and finance) who have the most “at stake” and the greatest track record of vitality in their systems. Bring them together and train them in interdisciplinary systems thinking.” She adds that “Training by doing is usually the most effective method. So, I would use the current federal funding possibilities in housing and EJ as project-based training for the dual purposes of practicing working together across disciplines and learning to collaboratively map and execute a systemic outcomes strategy. This could create a sturdy foundation for building a true coalition in the EJ x Housing space, especially because it might result in actual and fairly immediate resources.”

There are many issues related to the three areas that are ripe for collaboration among local grassroots organizations. Based on a quick review of community issues in some of these cities, and others, a partial list can include work in land acquisition and development for cooperative housing, including community land trusts; improving and expanding transportation justice and equity; identifying and tackling problems associated with pollution and climate change; working with local businesses on community projects and ensuring fair lending practices; expanding and protecting affordable housing for low-income and working-class residents, and fighting gentrification and displacement; working with public housing residents on community concerns; improving the quality of public land, including public schoolyards; promoting local arts and cultures of residents; and, many other potential local actions.

Engage and organize periodic community meetings and training sessions with overlapping presentations from EJ, Fair Housing, and Fair Lending organizations at the same time. These overlapping meetings can be used to plan and organize other meetings of representatives of the three sectors to discuss common concerns and share information about ongoing challenges, but also, victories. It can also include EJ, Fair Housing, and Fair Lending public fairs with local organizations such as urban league chapters or NAACP chapters. Identify new groups in the community: if logistically possible, work on designing unitary community welcome activities coordinated by EJ, Fair Housing, and Fair lending advocacy organizations.

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After grassroots organizations agree to work together and prioritize a problematic issue(s) facing their communities it would be important that resources are available for training leadership in cultivating cross-sector communication and collaboration; best practices for community organizing and mobilization; and setting up spaces for collection of hard data and stories. Throughout the work associated with the four stages it is important that these kinds of public education activities are supported. There should be design, and expansion of community-friendly spaces, workshops, events to inform renters and homeowners about community challenges to their housing, health, family, and economic security. Continually, “Residents should be made aware of the social and economic changes around them, which could be problematic for their homes and communities and sense of place.”⁹³

Participating members of the consortium should also engage in a self-assessment process that could serve to make collaboration stronger. The following are some guideposts for this kind of self

assessment.

- ☐ Review the organization's mission and vision and ask which components resonate with fair housing and fair lending practices in your neighborhood or catchment area.
- ☐ Assess major economic challenges facing the neighborhood or community and which grassroots organizations are trying to respond to these challenges.
- ☐ Identify which grassroots organizations are engaged in fair housing and fair lending issues. Who are the key representatives of these organizations? Is there a point person in the EJ organization who reaches out to these key representatives to initiate meetings to review how missions and works are connected?
- ☐ Consider how your organization's clients in the areas of environmental justice, fair housing, or fair lending overlap with the other consortium participants.
- ☐ Identify board members, or advisory members associated with each organization to determine if certain backgrounds represent potential opportunities for greater communication and collaboration with organizations working in the other sectors.

Stage #3

Work with ACE and others to plan and provide short training modules for EJ organizations to become more familiar with fair housing and fair lending challenges in local communities -and vice versa. There may be a need for other training modules, particularly in activities associated with stages II, III, and IV. Other organizations can also be tapped for training purposes regarding relevant areas of activities. Training sessions should include increasing collective consciousness about a range of systemic issues in the three spaces that have molded life in their neighborhoods and cities.

⁹³James Jennings, Lisette DeSouza, Trina Jackson, and Catalina Tang Yan, *Community Voices from the Fairmount Corridor Project Impressions and Ideas on Two Decades of Change*, p.36.

Stage #4

The consortium or partnership should review what would be measures of success in resolving the problematic issues identified in the implementation of a final action plan. And, how success will be shared, as well as lessons learned that can be shared with other communities. The consortium should also review and determine the policy, philanthropic, or government implications for the consortium's success.

Throughout these stages there should be continual opportunities for grassroots organizations to make residents aware of the technical facets of the issues they are organizing around. According to

two study participants extensively involved in public health issues, Dr. Kwame Mark Freeman, and Dr. Marvin Mitchell, and other study participants, emphasized the importance of ensuring that residents have or obtain a basic understanding of the issues for which they are organizing. They must be comfortable in discoursing or debating the significance of the change they are seeking and its implications for policy. Helping residents become more comfortable with understanding the data pertaining to their issues will empower them in dealing with narratives that serve to weaken demands for environmental justice, or water down the need to ensure affirmatively furthering fair housing and fair lending practices in their communities.

Appendix A: Interviewees

- Dr. Ramon Borges-Mendez, Associate Professor, Sustainability and Social Justice, Clark University, Worcester, Massachusetts.
- Ajamu Brown, Housing and Health Strategist, New York City
- Aton Bridges, ReRootD Futures Initiative
- Nika Elugardo, Former State Representative, Boston, Massachusetts
- Brooke M. Floyd, M.S. Ed., MAT, Co-Director, JXN People's Assembly and People's Advocacy Institute • Dr. Kwami A. Mark Freeman, PhD, Former Principal Planner, Massachusetts Department of Environmental

Management, Executive Office of Environmental Affairs, Massachusetts.

- Juanita Gibson, Esq., Senior Manager, Justice and Equity, Union of Concerned Scientists, USA • Erika Hernandez, Executive Director, ACT Lawrence
- Richard Juang, Esq., Senior Manager for Environmental Justice Policy, Ceres
- Jennifer Lawrence, Executive Director, Sasaki Foundation
- Ana Luna, Former Executive Director, ACT Lawrence CDC
- Dr. Elena Letona, Consultant, Movement Elder
- Marvin Martin, Executive Director, Action4Equity
- Dr. Kenann Mckenzie Defranza, President of the NAACP, Lynn Branch, Massachusetts • Dr. Mark Mitchell, MD., MPH, FACPM, Co-Chair, Conn. Equity and Environmental Justice Advisory Council • Vivien Morris, Chairperson, Edgewater Neighborhood Association, Mattapan, Boston
- Dr. Gloria Caballero Roca, Elected Official, School Committee, Holyoke, Ma., Professor, The Care Center. • Amelia Rose, Executive Director, Groundwork Rhode Island
- Sonja M. Spears, Esq. (Judge, ret.), Chief Justice and Equity Officer, Union of Concerned Scientists, USA • Rev. Vernon K. Walker, Climate Justice Program Director, Clean Water Action

Appendix B: Designation of Environmental Justice Populations in New England States

The five New England states utilize different approaches to identifying environmental justice populations and places. Massachusetts uses three criteria: minority population; median household income; and language isolation. The state's website includes an interactive map of which census block groups reflect this criteria: <https://www.mass.gov/info/details/massgis-data-2020-environmental-justice-populations>.

Connecticut utilizes Distressed Municipalities and Environmental Justice Block Groups. A distressed municipality is "...designated by the Connecticut Department of Economic and Community Development; OR defined census block

groups where 30% of the population is living below 200% of the federal poverty level.”

<https://ctdeep.maps.arcgis.com/apps/webappviewer/index.html?id=d04ec429d0a4477b9526689dc7809ffe>

Rhode Island utilizes an *Environmental Justice Focus Area*, “... a census tract that meets one or more of the following criteria: 1. Annual median household income is not more than sixty-five percent (65%) of the statewide annual median household income; 2. Minority population is equal to or greater than forty percent (40%) of the population; 3. Twenty-five percent (25%) or more of the households lack English language proficiency; or 4. Minorities comprise twenty-five percent (25%) or more of the population and the annual median household income of the municipality in the proposed area does not exceed one hundred fifty percent (150%) of the statewide annual median household income.”

<https://dem.ri.gov/environmental-protection-bureau/initiatives/environmental-justice>

Maine, Vermont, and New Hampshire take a more generic approach with strong statements regarding the need to ensure environmental fairness to everyone. Based on a recent legislation, *An Act to Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making*, “...environmental justice is defined as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, regulations, and policies.”

<https://www.nrcm.org/about-nrcm/vision-for-maine/environmental-justice-inclusion/>

Regarding the environmental justice focus population Vermont states: “The Environmental Justice Law includes in its definition of environmental justice focus populations low-income Vermonters, Persons of Color, Indigenous Peoples, and Vermonters who primarily speak languages other than English.” <https://anr.vermont.gov/about-us/civil-rights-and-environmental-justice/vermont-ej-law>.

New Hampshire also utilizes a generic approach. Under “Civil Rights and Environmental Justice”, “The New Hampshire Department of Environmental Services (NHDES) Title VI program ensures no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, under any program or activity receiving financial assistance from NHDES on the basis of race, color, or national origin. In addition, NHDES does not discriminate based on age, sex, marital status, religion, gender identity or gender expression, income, disability, sexual orientation, citizenship status, status as a veteran, or any other legally prohibited basis.” <https://www.des.nh.gov/about/civil-rights-and-environmental-justice>

Appendix C: Referenced Organizations, Literature, and Reports

Organizations

ACT Lawrence; at: <https://www.actlawrence.org/>.

Action for Equity; at: <https://www.action4equity.org/>.

Asociación Puertorriqueños en Marcha, Philadelphia PA; at: <https://apmphila.org/>

Boston Green Ribbon Coalition at: <https://greenribboncommission.org/document/boston-green-ribbon-commission-and-embrace-boston-our-shared-history-report/>.

California Housing Partnership at: <https://chpc.net/>.

Catalyst Miami; at: <https://www.catalystmiami.org/strategicplan>.

Climate Action Coalition at: <https://www.actonclimate.com/>.

Climate Justice Alliance: Communities United for a Just Transition: <https://climatejusticealliance.org/members-of-the-alliance/>.

Connecticut Coalition for Economic and Environmental Justice; at:
<https://grassrootsfund.org/groups/connecticut-coalition-for-environmental-justice>.

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