



# HEALTHY BLACK LIVES REQUIRE HEALTHY HOUSING



PUBLIC HEALTH  
LAW CENTER  
at Mitchell Hamline School of Law

# THE PUBLIC HEALTH LAW CENTER



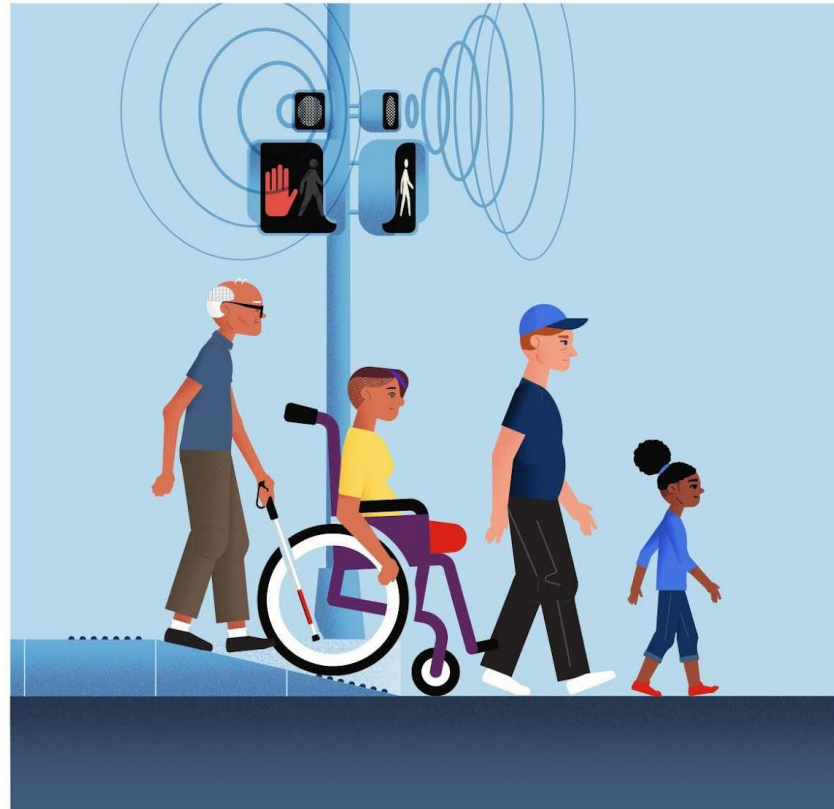
**EQUALITY:**

Everyone gets the same – regardless if it's needed or right for them.



**EQUITY:**

Everyone gets what they need – understanding the barriers, circumstances, and conditions.



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based on work for First Nations Health Authority at Gathering Wisdom VI

Drawing  
CHANGE

Image credit: [Sam Bradd](#)

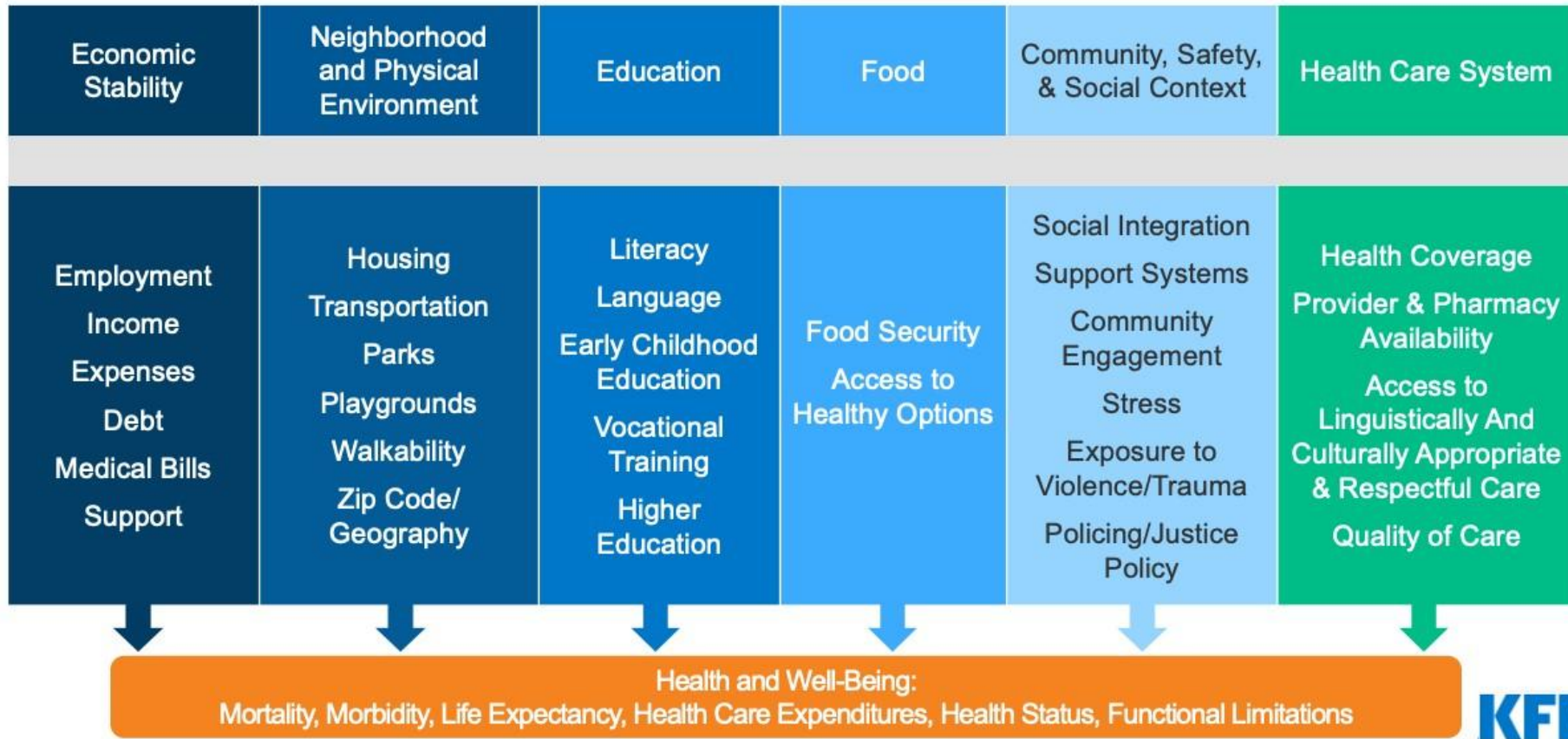
# LEGAL TECHNICAL ASSISTANCE

-  Legal Research
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby

# AGENDA

- Social Determinants of Health
  - Housing is a major factor in health
- Improve health condition in the home
  - Focus on public housing to address those most vulnerable
- Healthy Housing Petition to HUD
- Community Engagement
  - Local Efforts at Healthy Housing
- Closing Thoughts

# Social Determinants of Health



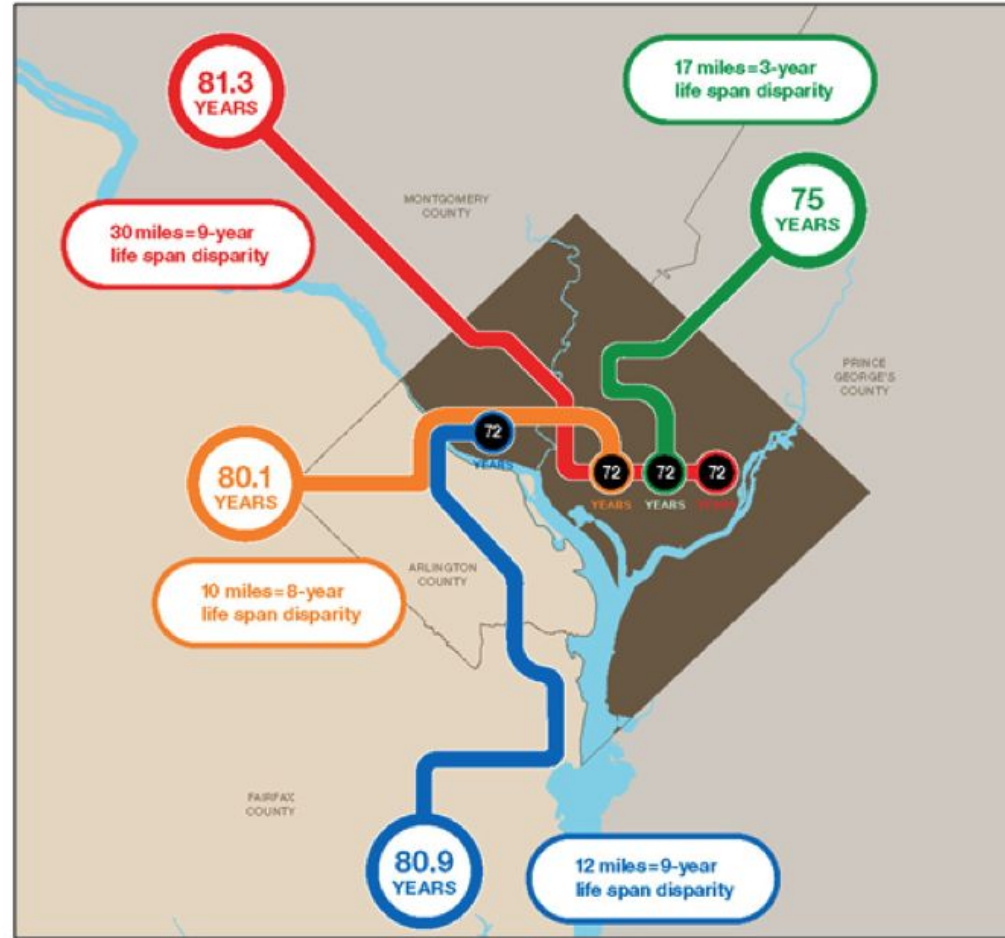
Source: [Kaiser Family Foundation](https://www.kff.org)

# LIFE EXPECTANCY – CHICAGO, IL





# LIFE EXPECTANCY – WASHINGTON, DC



# IMPROVING HEALTH CONDITIONS AT HOME

## WHY IT MATTERS



# PUBLIC HOUSING 101

24 CFR § 960

- Public housing is a federally created and funded program.
- The properties are owned and managed at the local level by quasi-governmental public housing authorities (PHAs) under contract with the federal government (HUD).
- Federal funding comes from two main sources—the Public Housing Capital Fund and the Public Housing Operating Fund. Both sources are meant to supplement the rents collected by PHAs to meet the operation, maintenance, and capital needs of public housing. PHAs may also apply for outside grants.
- The programs are governed in part by federal rules and regulations and in part by policies set at the local level.
- Public housing can be restricted to certain demographics (55+, differently abled, etc.).



# ROLE OF PHA

- Assure Compliance with leases
- Set charges (damage deposits, fines, etc.)
- Perform periodic reexaminations of the family's income annually
- Transfer families from one unit to another
- Manage/correct over/under crowding
- Repair or renovate dwellings
- Terminate leases
- Ensure decent, safe, and sanitary conditions\*



# PUBLIC HOUSING DEMOGRAPHICS



- 55% of Public Housing Residents live in Public Housing for more than 5 years.
- 36% of Public Housing Residents are between 0-17 years old.
- 30% of Public Housing Residents are 51+ years old
- 75% of Public Housing Residents are BIPOC

(HUD Resident Characteristics Report, March 2022)

# HOW MUCH DOES IT COST?

- Families who live in public housing generally pay rent equal to 30% of their adjusted gross income.
- Ideally, average rents paid by public housing families should lag substantially behind private market-rate rent.
- Rent can be \$0, however some public housing agencies may impose rent minimums.

# PUBLIC HOUSING EXAMPLES

- Public housing properties themselves can be high-rise buildings, low-rise buildings, scattered site properties, and even part of mixed-income housing developments.



High-Rise | Minneapolis, MN



Low-rise | Chicago, IL



Scattered Site Home | Appleton, WI

# TRENDS IN PUBLIC HOUSING

Construction and acquisition of new public housing units effectively ended after the federal government stopped funding new developments in the mid-1990s.

There are approximately 970,000 households living in public housing units, managed by about 3,300 Housing Authorities.

PHAs in the Northeast and South were the most aggressive in developing public housing. These two regions account for 73 percent of all occupied public housing units but only 54 percent of all renters.

Public housing is more prevalent in central cities than in suburbs.



# **INDOOR HEALTH RISKS**

## **PUBLIC HOUSING**

- U.S. residents spend approx. 87% of their time indoors
- Upper-level apartments have higher pollutants
- Smaller living spaces mean higher pollution levels
- Supplemental heating
- High baseline outdoor pollution



# **GAS IS GREAT RIGHT? WRONG**

## **Byproducts**

- Carbon dioxide
- Nitrogen oxides
- Carbon monoxide
- Particulate matter
- Volatile organic compounds (“VOCs”) such as formaldehyde



# **GAS IS GREAT RIGHT? WRONG**

## **Nitrogen Dioxide**

- Peak NO<sub>2</sub> from cooking can be 375 to 673 ppb
  - Outdoor EPA standard is 100 ppb
- Childhood asthma trigger
- Adult cardiovascular disease



# **GAS IS GREAT RIGHT? WRONG**

## **Carbon Monoxide**

- Leading cause of nondrug poisoning deaths in the United States
- At least 11 deaths in HUD housing alone since 2003

## **Particulate matter and VOCs**

- Irregular heartbeat
- Heart attack
- Asthma
- Decreased lung function
- Even premature death in people with heart or lung disease

# FIRE RISK

- Cooking fires:
  - leading cause of home fires and home fire injuries
  - second leading cause of home fire deaths



# ASTHMA AND PUBLIC HOUSING

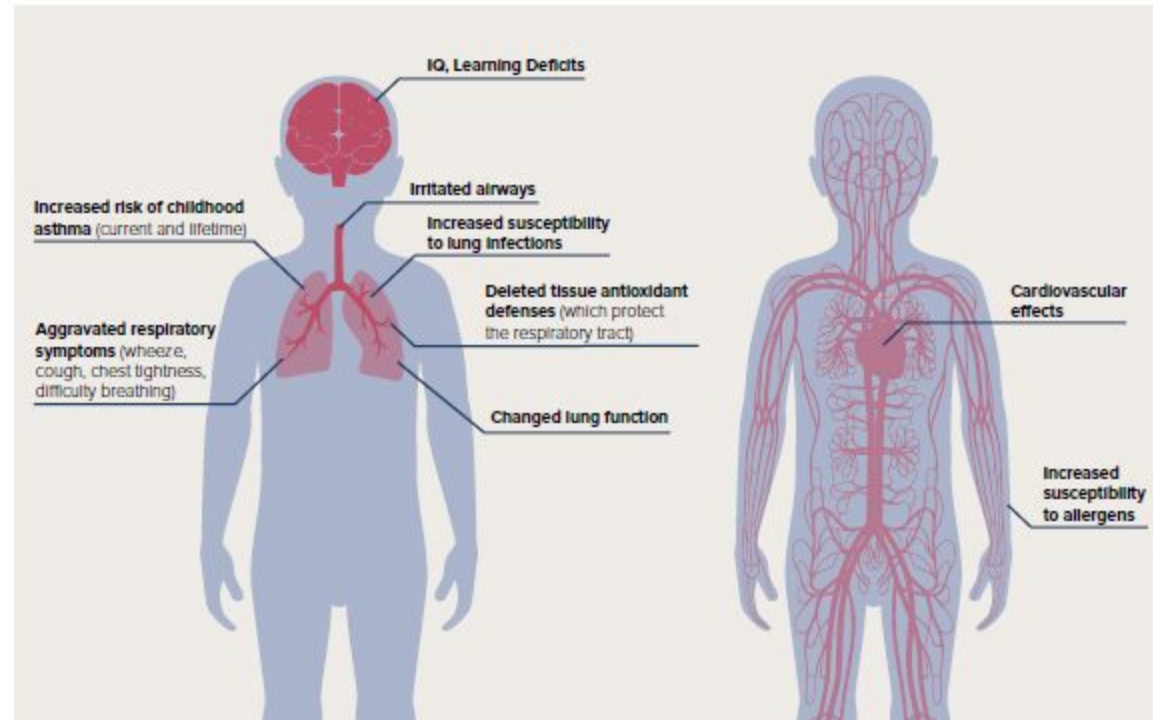
## Three Main Factors Why Children Are More Susceptible to Illnesses Associated with Air Pollution than Adults



Source: <https://rmi.org/insight/gas-stoves-pollution-health>

# ASTHMA AND PUBLIC HOUSING

Health Effects of Nitrogen Dioxide (NO<sub>2</sub>) in Children May Include<sup>6</sup>



Source: <https://rmi.org/insight/gas-stoves-pollution-health>



# **GAS IS GREAT RIGHT? WRONG**

- US House introduced bills to limit Consumer Product Safety Commission and Dept. of Energy rulemaking authority
- Bills like these are reactions to California, Washington, and other localities are limiting gas appliances in new construction

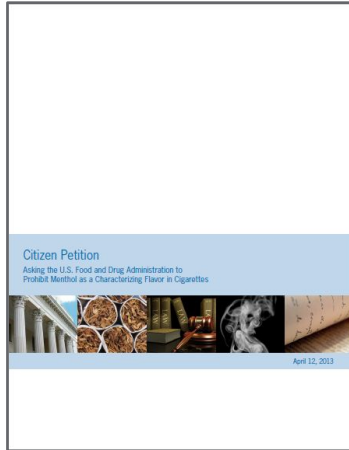


# WHAT CAN BE DONE?

- PHLC has taken the opportunity to engage on this issue in coordination with local organizations and residents to develop strategies
- Focus Groups
- Petition Process

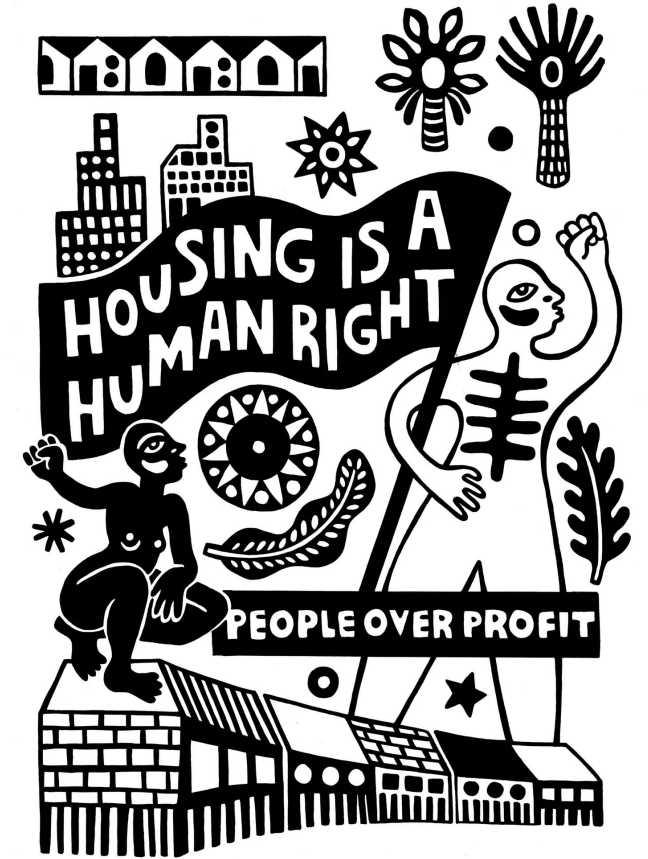
# MENTHOL REGULATION

## A DECADE OF PRESSING THE FDA



# WHY PUBLIC HOUSING?

- Public housing is a somewhat closed universe.
- Public housing residents are often forgotten or excluded from federal programs.
- Our petition is an equity measure.
- Housing Crisis: Section 8 vs. Public Housing



Artwork courtesy of Sophie Bass

# RESIDENT ENGAGEMENT



Information Gathering (identifying EJ organizations working on electrification, meeting with PHAs, etc.)



Organized engagement/outreach plans (survey vs. focus groups)



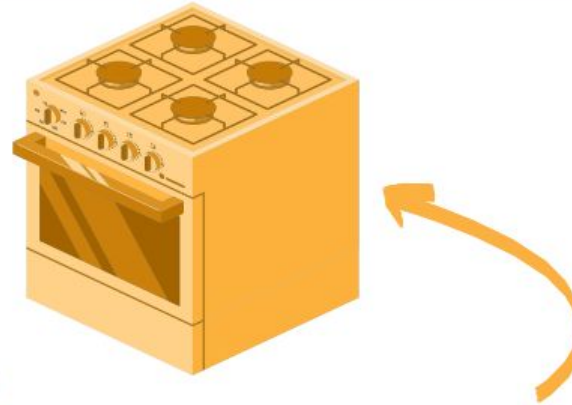
Meeting with Residents



Placing resident concerns and perspectives into petition

# ENGAGEMENT IN ACTION!

## DO YOU USE A GAS STOVE?



**PARTICIPANTS NEEDED FOR HEALTHY HOUSING FOCUS GROUP**

*Refreshments will be served and participants will receive a \$50 gift card.  
For more information, email [publichealthlawcenter@mitchellhamline.edu](mailto:publichealthlawcenter@mitchellhamline.edu).*

### SATURDAY, OCTOBER 15

**CHICAGO PUBLIC LIBRARY  
ALTGELD BRANCH**

**955 E 131st ST  
CHICAGO, IL 60827**

**SESSION 1: 10-11:30 AM**

**SESSION 2: 1-2:30PM**

# PETITIONING HUD FOR ACTION!

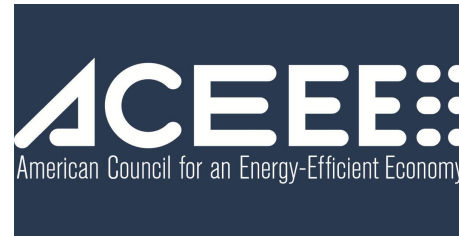
## OUR COALITION



SUNSTONE  
STRATEGIES



REWIRING  
AMERICA



Green & Healthy  
Homes Initiative®

# **PETITIONING HUD FOR ACTION!**

## **OUR GOALS**

- Improve indoor air quality for under-resourced communities
- Increase climate preparedness & resiliency
- Stop federal gov't from bankrolling fossil fuels
- Reduce energy burden



# PETITIONING HUD FOR ACTION!

## 29 GOALS FOR HUD

Proposal	Description
A	Defines "fossil-fuel-fired systems and appliances" to facilitate electrification
B	Requires Green Physical Needs Assessments informed by comprehensive energy audits
C	Mandates holistic cost-benefit analyses that account for health impacts
D	Instructs public housing authorities to create electrification plans
E	Standardizes energy audit procedures
F	Establishes a graduated schedule to electrify public housing by 2040
G	Allows Congress to fund Green Physical Needs Assessments through Operating Fund
H	Institutes an in-kind replacement ban on fossil-fuel-fired appliances in public housing
I	Extends allowable capital expenditures financing term to 30 years to better facilitate electrification
J	Recognizes gas cooking appliances as a physical condition deficiency in 2026
K	Recognizes fossil-fuel-fired appliances as physical condition deficiency in 2040
L	Recognizes lack of adequate cooling as physical condition deficiency in 2026
M	Exempts energy consumption increases due to electrification from financial penalty
N	Incentivizes electrification when fossil fuel rates are higher than electric rates
O	Requires energy benchmarking in public housing and protects residents from utility hikes
P	Ensures utility allowance formulas are public and account for electrification
Q	Prevents residents from paying for energy used to correct a physical condition deficiency
R	Creates Operating Fund add-on for beneficial electrification projects
S	Obligates public housing authorities to support resident efforts to correct home health hazards
T	Instructs jurisdictions to plan for local climate impacts in Consolidated Plans
U	Defines renewable energy systems to facilitate decarbonization in HOME program
V	Explicitly makes decarbonization projects eligible for HOME funds
W	Allows HOME funds to be used for healthy home visits and removal of health risks
X	Mandates that new construction and rehabilitations funded by CDBG be free from fossil fuels
Y	Mandates that new construction funded by CDBG be free from fossil fuels
Z	Allows CDBG funds to be used for electrification projects
AA	Prohibits use of Housing Trust Funds on fossil fuel-fired appliances or infrastructure
BB	Mandates that new construction and rehabilitations funded by Housing Trust Fund be free from fossil fuels
CC	Extends healthy home benefits to public housing units converted under RAD

### Petition Highlights

- Require a Green Physical Needs Assessment
- Instructs PHA's to create electrification plans
- Recognize gas and fossil fuel powered appliances as physical condition deficiency
- Plan for local climate impacts in Consolidated Plan
- Mandates new construction and rehabilitation funded with CDBG funds be free from fossil fuels

# **PETITIONING HUD FOR ACTION!**

## **OUR POLICIES**

- Label residential fossil fuel-fired appliances physical condition deficiencies
- Mandatory green physical needs assessments
- In-kind replacement ban on fossil fuel-fired systems
- Holistic health & energy audit requirements

# **PETITIONING HUD FOR ACTION!**

## **OUR POLICIES**

- Mandatory cooling
- Ensure utility allowances accurately reflect usage
- Increase transparency around utility allowances
- Address other sources of indoor air pollution (mold, pests, etc.)

# **PETITIONING HUD FOR ACTION!**

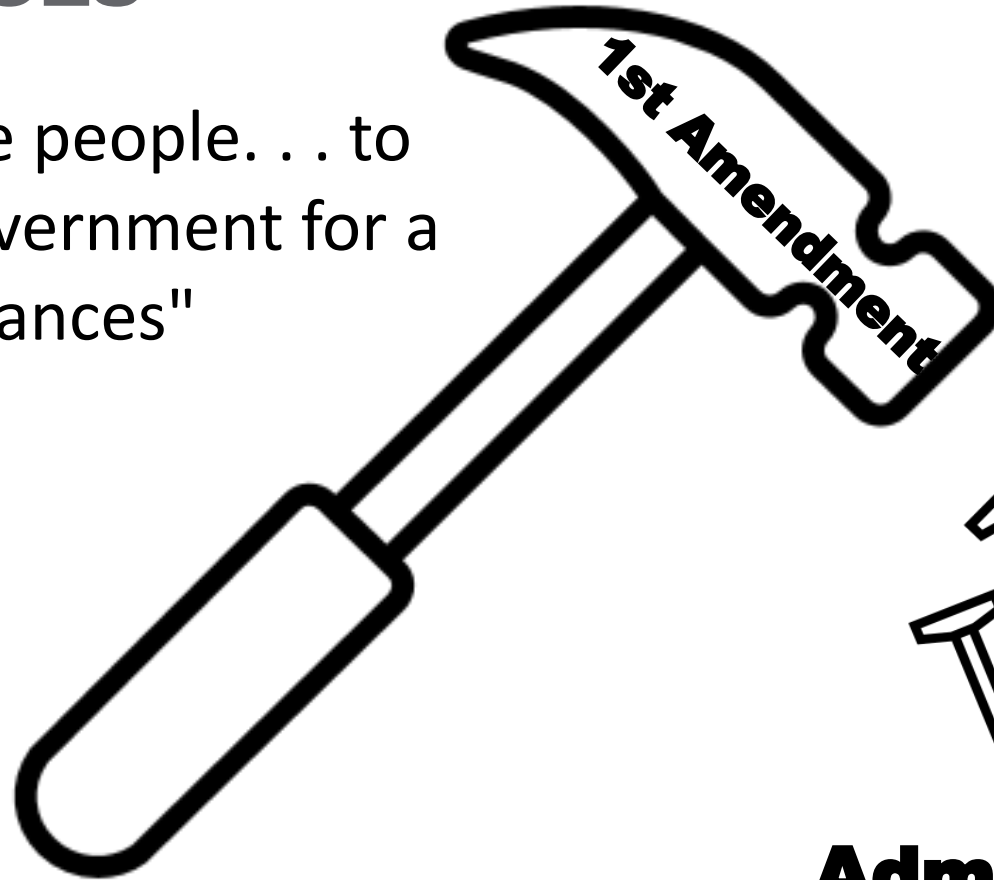
## **OUR POLICIES**

- Require climate forecasting and preparedness in Consolidated Plans
- Prohibit CDBG, HTF, and HOME money from funding fossil fuel infrastructure
- Phase out fossil fuels in a scheduled manner w/ exceptions for cold climate zones

# PETITIONING HUD FOR ACTION!

## OUR TOOLS

"the right of the people. . . to petition the Government for a redress of grievances"



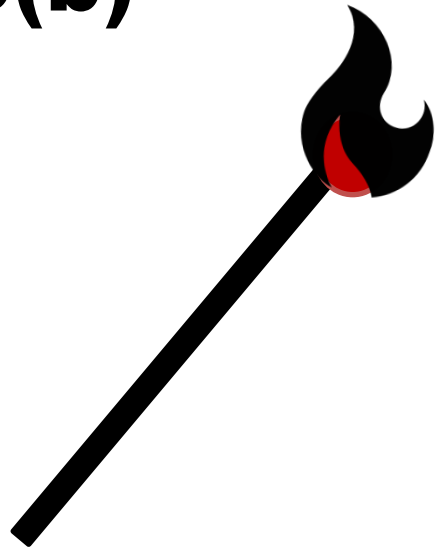
"Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule."

**Administrative  
Procedure Act,  
5 USC § 553(e)**

# **PETITIONING HUD FOR ACTION!**

## **OUR TOOLS**

### **Administrative Procedure Act, 5 USC § 555(b)**



“[W]ithin a reasonable time, each agency shall proceed to conclude a matter presented to it.”

# PETITIONING HUD FOR ACTION!

## OUR APPROACH

- ~~Do our own thing~~ Follow agency procedures
- Amplify, educate, engage (commenting opp soon!)
- Connect people to resources
- Direct IRA implementation
  - High Efficiency Electric Home Rebates Act
  - Environmental & Climate Justice Block Grants
  - Affordable Housing Provisions

# COMMUNITY ENGAGEMENT





# CLOSING THOUGHTS



# CONTACT US



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