Environmental Justice

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Address disproportionately high and adverse human health or environmental effects on minority and low-income populations.	Executive Order 12898, February 11, 2004	24 CFR 50.4(l) and 24 CFR 58.5(j).

1. Is there an adverse environmental impact caused by the proposed action, or is the proposed action subject to an adverse environmental impact?

This question is designed to determine how the Environmental Justice analysis is reflected in the environmental review as a whole. Your consideration of the other environmental laws and authorities is your supporting documentation for this question. If any other environmental law or authority required mitigation (i.e., 8-step process for locating in a flood plain, waiver of noise requirements), then there is an adverse environmental impact.

☐ No: STOP here. The project does not pose an Environmental Justice concern.
☒ Yes: PROCEED to #**2**

2. Will the project have a disproportionate impact on low-income or minority populations?

The following steps will help you make this determination:

1) Describe the project.
2) Consider historic uses of the site, past land uses and patterns (such as lending discrimination and exclusionary zoning).
3) Determine the demographic profile of the people using the project and/or living and working in the vicinity of the project. EPA's environmental justice geographic assessment tool provides helpful demographic information: http://epamap14.epa.gov/ejmap/entry.html
4) Describe the adverse environmental impact you identified in your environmental review. Identify adjacent land uses, paying particular attention to toxic sites, dumps, incinerators, hazardous materials (e.g. asbestos), and other issues with the potential to have adverse human health effects. (This may already have been considered in your review of toxic and hazardous substances.)
5) Consider how the adverse environmental impact and any potentially harmful adjacent land uses would impact the people using and/or surrounding the project.
6) Consider whether market-rate development exists in the area. If not, would this project succeed as a market-rate project at the proposed site?

☒ No: STOP here. Maintain documentation concerning your determination of no disproportionate impact.
☐ Yes: Consult with HUD environmental staff to develop a mitigation plan. An Environmental Justice mitigation plan must include public outreach, participation and community involvement. The project can not move forward until the EJ issue is mitigated to the satisfaction of HUD or the Responsible Entity and the impacted community.

DISCLAIMER: This document is intended as a tool to help Region X HUD grantees and HUD staff complete environmental requirements. This document is subject to change. This is not a policy statement. Legislation and Regulations take precedence over any information found in this document.