
CHAPTER 4: ENVIRONMENTAL JUSTICE

A. INTRODUCTION

The Proposed Action may involve funding from the U.S. Department of Housing and Urban Development (HUD), a federal agency. Executive Order 12898, issued in 1994, directs federal agencies to incorporate environmental justice as part of their mission by developing agency-wide environmental justice strategies as well as identifying and addressing the effects of programs, policies, and activities on minority and low-income populations. HUD approaches environmental justice three ways (1) through the implementation of programs designed to strengthen communities and empower residents; (2) enforcement of the Title VI (and Title VIII) of the Civil Rights Act; and (3) compliance with HUD's Environmental Regulations 24 CFR Part 50-Protection and Enhancement of Environmental Quality and 24 CFR Part 58-Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.

This approach addresses the fundamental principles of Executive Order 12898 which are to:

- Ensure full and fair participation by potentially affected communities in the community development and housing policy making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority or low-income populations.
- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Encourage meaningful community representation in the NEPA process through the use of effective public participation strategies and special efforts to reach out to minority and low-income populations.
- Identify mitigation measures that address the needs of the affected low-income and minority populations.

An environmental justice assessment requires an analysis of whether minority and low-income populations (i.e., "populations of concern") would be affected by a proposed federal or federally funded action and whether they would experience adverse impacts resulting from a proposed action. If there are adverse impacts, the severity and proportionality of these impacts on populations of concern must be assessed in comparison to the larger non-minority or non-low-income populations. The issue is whether such adverse impacts fall disproportionately on minority and/or low-income members of the community and, if so, whether they meet the threshold of "disproportionately high and adverse." If disproportionately high and adverse effects are evident, then EPA guidance advises the consideration of alternatives and mitigation actions in coordination with extensive community outreach efforts (EPA 1998).

B. OVERVIEW

In the future with the Proposed Action, there would be no disproportionate adverse impacts to low-income and minority populations. An evaluation of the potential for indirect displacement of residents and businesses in the study area found that no significant impacts will result from the Proposed Action. The Proposed Action will enhance neighborhood character and the new uses projected to occur with the Proposed Project would be consistent with and supportive of existing and future land uses and adopted public policies. Furthermore, measures related to hazardous materials, air quality and noise would be

Broadway Triangle

incorporated into the Proposed Action to preclude adverse effects on future occupants and workers (including construction workers). These measures would be included under the proposed zoning as (E) designations for privately-owned development sites or required through provisions in the Land Disposition Agreement (LDA) between HPD and a developer (for city-owned development sites).

C. METHODOLOGY

The Council on Environmental Quality (CEQ) developed guidance to complement Executive Order 12898 and outlined an approach to evaluation and implementation appropriate under the National Environmental Policy Act (NEPA). The CEQ Guidance is comprised of seven steps to consider while addressing environmental justice issues in conjunction with NEPA. In particular, analysis begins with the collection of demographic data in order to identify populations of concern, and ends with an assessment of effects on the populations identified in comparison to other populations, as well as mitigation (if necessary).¹

The assessment of environmental justice for the Proposed Action is based on methodology described in the CEQ guidance document and is generally consistent with HUD's environmental justice implementation goals.² The major steps in this process are:

- Identification of the study area(s);
- Compilation of the population characteristics;
- Identification of the population(s) of concern for environmental justice;
- Conducting public outreach;
- Identification of adverse effects on population(s) of concern; and
- Evaluation of the overall effects of the project.

STUDY AREA

The study area for the environmental justice assessment is defined as those Census Block Groups generally located within a ¼-mile of the Project Area. Block Groups having more than 50 percent of their area within a ¼-mile of the Project Area have also been included in the environmental justice assessment (see Figure 4-1). A demographic profile of the study area as compared to Kings County and New York city overall is presented in Table 4-1. The study area reflects the geographic area most likely to experience the direct impacts and the indirect community, human health and environmental impacts, from the construction and operation resulting from the Proposed Action.

POPULATION CHARACTERISTICS

The 2000 U.S. Census of Population and Housing was used to determine the population and income characteristics of the identified populations of concern for environmental justice. The information is collected for specific Census Block Groups and aggregated to represent the Project Area. It includes data on characteristics of race and ethnicity, the total percentage of minority population, and the percentage of low-income population.

¹ Council on Environmental Quality, *Environmental Justice: Guidance under the National Environmental Policy Act*, December 1997.

² U.S. Department of Housing and Urban Development, *A Commitment to Communities: Achieving Environmental Justice*, March 1996.

Broadway Triangle

**Table 4-1:
Racial and Economic Characteristics of the Study Area, 2000**

	Study Area		Kings County		New York City	
	Study Area	Percent	Number	Percent	Number	Percent
Race						
White Alone						
Non-Hispanic White	4,809	23.7%	854,532	34.7%	2,801,267	35.0%
Hispanic White	3,434	16.9%	161,196	6.5%	775,118	9.7%
Non-White Alone						
Black or African-American	3,298	16.3%	898,350	36.4%	2,129,762	26.6%
American Indian and Alaska Native	118	0.6%	10,117	0.4%	41,289	0.5%
Asian Alone	2,029	10.0%	185,818	7.5%	787,047	9.8%
Native Hawaiian and Other Pacific Islander	21	0.1%	1,465	0.1%	5,430	0.1%
Other*	6,557	32.4%	353,848	14.4%	1,468,365	18.3%
Total	20,266	100.0%	2,465,326	100.0%	8,008,278	100.0%
Hispanic Origin	9,604	47.4%	487,878	19.8%	2,160,554	27.0%
Minority Population**	15,457	76.3%	1,610,794	65.3%	5,207,011	65.0%
Persons Below Poverty (1999)	6,929	35.9%	610,476	25.1%	1,668,938	21.2%
Per Capita Income (1999)***	\$11,281	-	\$16,775	-	\$22,361	-
Median Household Income (1999)***	\$23,958	-	\$32,135	-	\$38,385	-

Source: Bureau of Census, U.S. Census of Population and Housing. SF1 and SF3 data tables.

Note:

* The Other category includes 'some other race alone' and 'two or more races'.

** The total minority population includes all those who have classified themselves as Black, Hispanic Whites, American Indian or Alaskan Native, Other Pacific Islander and Others.

*** The per-capita and median incomes were calculated by taking the weighted averages of the median incomes of all Block Groups in the study area

IDENTIFICATION OF ADVERSE AND OVERALL EFFECTS

The environmental justice assessment was conducted to determine if adverse effects from the Proposed Action, as identified in the technical analyses in this document, would be disproportionately high or appreciably more severe for low-income and minority populations. The assessment also considers whether positive impacts resulting from the Proposed Action would be denied, reduced, or delayed to low-income and minority populations.

D. EXISTING CONDITIONS

At the time of the 2000 Census, the study area had a significantly smaller percentage of the population who identified themselves as "Not Hispanic White Alone" than Kings County or New York City overall (see Table 4-1). At 76.3 percent, the study area has a greater concentration of those who identify themselves as a minority race than either Kings County or New York City. At 16.3 percent, the percentage of study area residents who identified themselves as "Black or African-American Alone" was less than half of Kings County residents who identify themselves as such. Those study area residents identifying themselves as being of "Some Other Race Alone" is 18.0 percentage points higher than Kings County residents who identify themselves as such. Approximately 16.9 percent of study area residents identify themselves as "Hispanic White Alone," which is considerably higher than either Kings County or

New York City overall. The higher percentage of those who identify themselves as “Hispanic White Alone” lends itself to the significantly greater percentage of study area residents who identify themselves as being of Hispanic Origin than either Kings County or New York City overall.

As shown in Table 4-1, the percentage of study area residents living below the poverty line, 35.9 percent, is higher than either Kings County (25.1 percent) or New York City (21.2 percent). The higher percentage of study area residents living below the poverty line can be partially attributed to the low per capita and median household incomes, which are significantly less than either Kings County or New York City overall.

The environmental justice assessment uses Kings County thresholds to determine Block Groups in the study area with high concentrations of minority and/or low-income residents. Table 4-2 demonstrates the percentage of Kings County residents who identify themselves as a minority (65.3%) and/or living below the poverty line (25.1%). Any Block Group having a concentration that exceeds one or both of these thresholds is considered a population of concern. When applying these thresholds, an area is considered to be high minority if more than 65.3 percent of the population identifies itself as a race other than Non-Hispanic White. Any area in Kings County where more than 25.1 percent of the population reports incomes below the poverty line is an area that requires an environmental justice assessment.

Table 4-2: Kings County Minority and Low-Income Thresholds, 2000

Location	Minority Threshold	Poverty Threshold
Kings County, New York	65.3%	25.1%

Source: Bureau of Census, U.S. Census of Population and Housing. SF1 and SF3 data tables.

As shown in Table 4-3, the study area has a high concentration of those who identify themselves as being of some race other than Non-Hispanic White Alone. Of the 23 Block Groups in the study area, only five do not exceed the Kings County average of minority residents (65.3 percent). Of those Block Groups with a higher concentration of minority residents than Kings County, the presence of minority populations ranges from 71.5 to 98.8 percent. As represented in Figure 4-2, two areas (violet and the darkest purple) exceed the Kings County threshold.

Sixteen of the 23 Block Groups in the study area have a higher concentration of those living below the poverty line than in Kings County overall. As illustrated in Figure 4-3, these Block Groups are dispersed across the study area and Block Groups located in the Project Area demonstrate differing economic characteristics. The percentage of those Block Groups having a higher concentration of those living below the poverty line than Kings County range from 27.9 to 76.1 percent. Overall the percentage of the population in the study area living below the poverty line, at 35.9 percent, is notably higher than that of Kings County.

Given the significant presence of both low-income and minority populations, the potential for disproportionate environmental impacts and the potential benefits associated with the Proposed Action was assessed for these populations of concern. The assessment also considered whether positive benefits resulting from the Proposed Action would be denied, reduced, or delayed to low-income and/or minority populations.

Broadway Triangle

**Table 4-3:
Study Area Block Groups with High Concentrations of Minority and Low-Income Persons, 2000**

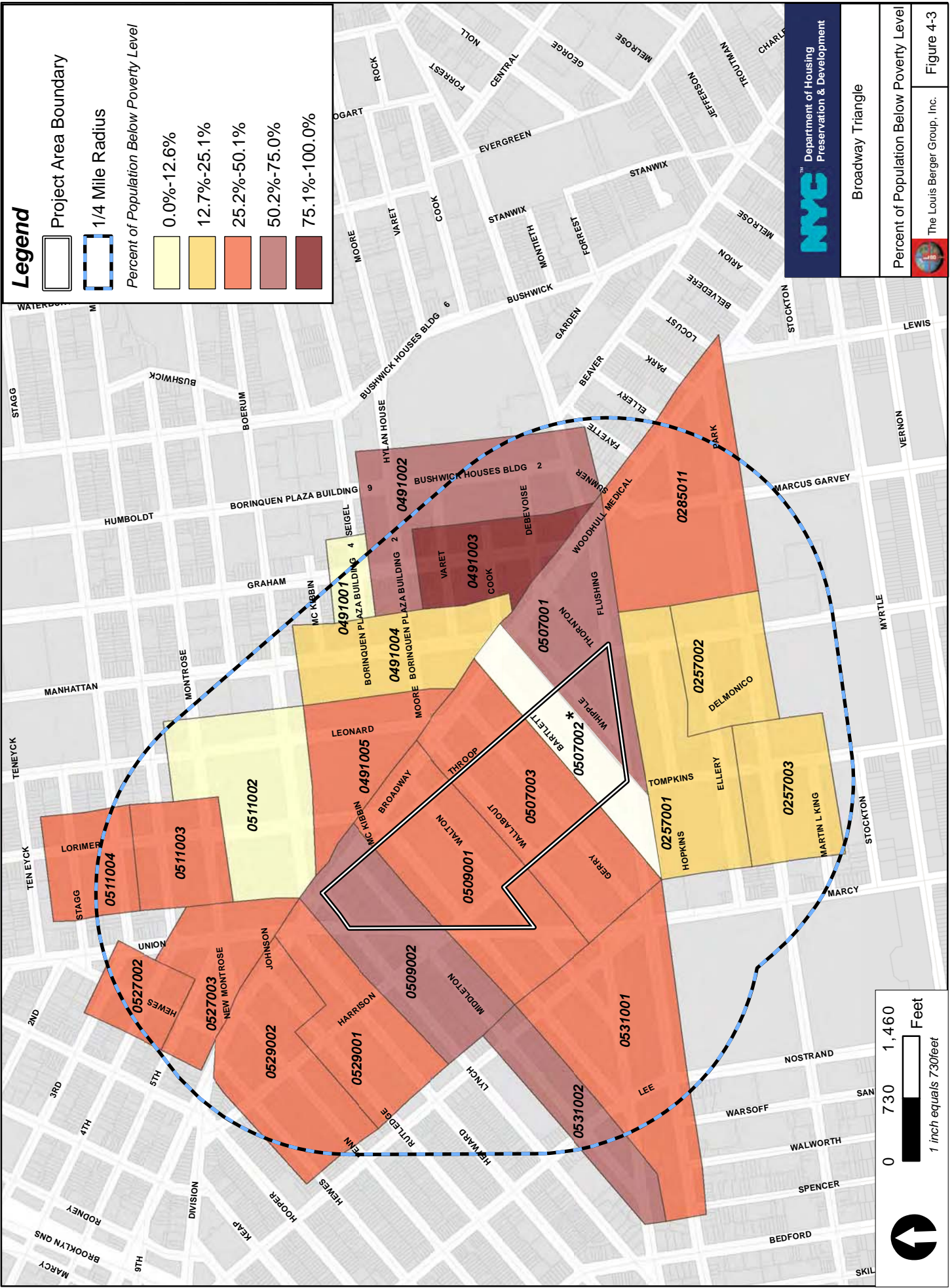
Census Tract	Block Group	Minority Persons	Percent Minority	Persons in Poverty	Percent in Poverty	Per-Capita Income	Median Household Income	High Poverty*	High Minority*
257.00	1	450	98.3%	59	14.0%	\$ 11,412	\$ 31,875		X
257.00	2	811	97.9%	158	17.8%	\$ 15,215	\$ 33,000		X
257.00	3	578	98.8%	110	18.4%	\$ 18,499	\$ 25,938		X
285.01	1	1321	92.9%	142	37.1%	\$ 5,991	\$ 38,438	X	X
491.00	1	388	96.8%	27	6.0%	\$ 14,574	\$ 36,490		X
491.00	2	899	96.5%	523	60.8%	\$ 5,919	\$ 15,094	X	X
491.00	3	520	98.3%	335	76.1%	\$ 3,902	\$ 10,781	X	X
491.00	4	1646	93.7%	351	20.6%	\$ 16,327	\$ 27,234		X
491.00	5	1658	90.4%	558	27.9%	\$ 16,696	\$ 26,339	X	X
507.00	1	474	96.5%	264	52.0%	\$ 6,617	\$ 15,417	X	X
507.00	2	14	87.5%	N/A**	N/A**	N/A**	N/A**	N/A**	X
507.00	3	206	93.2%	60	32.3%	\$ 7,352	\$ 21,458	X	X
509.00	1	306	71.5%	147	33.9%	\$ 8,363	\$ 44,091	X	X
509.00	2	655	46.5%	823	65.1%	\$ 4,323	\$ 15,769	X	
511.00	2	1620	87.3%	238	11.7%	\$ 15,456	\$ 30,685		X
511.00	3	471	94.0%	167	33.9%	\$ 12,053	\$ 22,727	X	X
511.00	4	783	95.4%	404	49.9%	\$ 7,951	\$ 18,281	X	X
527.00	2	642	94.6%	296	42.0%	\$ 9,594	\$ 23,011	X	X
527.00	3	864	97.1%	375	42.1%	\$ 8,033	\$ 12,083	X	X
529.00	1	150	13.4%	585	48.9%	\$ 6,182	\$ 14,141	X	
529.00	2	517	29.0%	855	50.0%	\$ 7,590	\$ 17,500	X	
531.00	1	412	38.7%	330	30.5%	\$ 16,497	\$ 35,063	X	
531.00	2	72	30.5%	122	53.3%	\$ 6,640	\$ 20,682	X	

Source: Bureau of Census, U.S. Census of Population and Housing. SF1 and SF3 data tables.

Notes:

*An X denotes Block Groups with a high concentration of minority persons or persons below poverty compared to Kings County thresholds for the same variables.

**The Census Bureau uses various statistical methods to ensure that the identity of individuals is not released, including data suppression and modification; for this reason poverty data for Census Tract 507.00, Block Group 2 is not available (N/A).



Source: City of New York Department of City Planning; MapPLUTO Release 07C.1.

* The Census Bureau uses various statistical methods to ensure that the identity of individuals is not released, including data suppression and modification, for this reason poverty data for Census Tract 507.00, Block Group 2 is not available (N/A).

E. FUTURE CONDITION WITHOUT THE PROPOSED ACTION

Given current zoning, existing land use trends, and Board of Standards and Appeals approvals, it is anticipated that by 2018 three vacant sites in the Project Area would be redeveloped with a total of 18 dwelling units, 134,260 square feet of commercial space, 83,944 square feet of retail space and 51,275 square feet of industrial floor space. No significant adverse environmental justice impacts were identified for the Future Condition without the Proposed Action.

F. FUTURE CONDITION WITH THE PROPOSED ACTION

As discussed in Chapter 1, “Project Description,” the Proposed Action would result in a net increase of 1,851 dwelling units (of which ~~905~~ 844 would be affordable), 103,286 square feet of retail space and 35,456 square feet of community facility space. Under the Proposed Action, the Project Area would be rezoned to encourage a mix of residential, community facility, and commercial uses and to promote affordable housing opportunities. The Proposed Action would make underutilized land available for residential development, including a substantial amount of affordable housing. The redevelopment of the area with new residential and mixed-use residential buildings (including community facility and neighborhood retail space) would replace vacant, blighted parcels of land and would be consistent with land use in the surrounding area. As the Proposed Action is expected to result in an additional ~~905~~ 844 affordable units through utilization of the Inclusionary Housing bonus in the proposed R6A, R7A, R6A/C2-4, and R7A/C2-4 districts, it would create new opportunities for low-income renters. Affordable housing would be made available to potentially low-income or minority residents located in the existing 13 housing units located at the development sites that would be replaced with new housing. The net increase in affordable housing in the Project Area, by up to ~~905~~ 844 units as a result of the Proposed Action, is central to HUD’s mission of providing fair housing and encouraging economic and community development. The benefits of redevelopment of the Project Area would be received by low-income and minority populations as well as non-low-income and non-minority populations in the Project Area. There would be no disproportionate adverse environmental impacts to low-income and minority populations in the study area.

The Proposed Action is subject to the New York City Uniform Land Use Review Procedure (ULURP) which provides opportunity for public review at various levels of government prior to final approval of an action. In addition, the EIS process, in accordance with SEQRA/CEQR, includes a public scoping meeting and a hearing on the Draft EIS with the purpose of soliciting comments from the public.

G. CONCLUSION

As stated above, in the future with the Proposed Action, there would be no significant adverse impacts to low-income and minority populations in the study area. In the future with the Proposed Action, approximately 13 housing units with an estimated 39 residents could be displaced. Given the relatively high concentration of low-income and minority residents in the Block Groups where projected development sites are located, it is possible that residents in these units may identify themselves as either low-income and/or minority. However, the directly displaced units would be replaced with new housing, and in the event federal funding is utilized for construction of these developments, displaced residents would be given preferential access to new units. In addition, residents would be displaced without prejudice based upon income or minority status as there is no alternative being considered that would cause the displacement area to shift. Therefore, no adverse affect in regards to displacement would occur.

Broadway Triangle

Furthermore, measures related to hazardous materials, air quality and noise would be incorporated into the Proposed Action to preclude adverse effects on future occupants and workers (including construction workers). These measures would be included under the proposed zoning as (E) designations for privately-owned development sites or required through provisions in the Land Disposition Agreement (LDA) between HPD and a developer (for city-owned development sites). Any significant adverse impacts related to hazardous materials, air quality, and noise on the future population of the Project Area and surrounding blocks would be precluded through the implementation of these measures.

Overall, benefits attributable to the Proposed Action and experienced by study area residents, including low-income and minority populations, would offset any adverse impacts experienced by potentially displaced residents. Residential and commercial occupants who are displaced by any federally-funded development will be afforded all rights and benefits available under the Uniform Relocation Act (URA) and all applicable law. Eligible residential or commercial occupants who are displaced by public improvements or from quasi-public sites or urban renewal sites which are not federally assisted will be afforded all rights and benefits made available by the City Relocation Rule, 28 RCNY §1804.

H. NEPA CONSIDERATION

The analysis presented in this chapter has been provided to satisfy NEPA. In the future with the Proposed Action, there would be no disproportionate adverse impacts to low-income and minority populations.