



**PUBLIC HEALTH
LAW CENTER**
at Mitchell Hamline School of Law



May 11, 2023

U.S. Department of Housing and Urban Development
The Office of Policy Development and Research
451 7th Street SW, Washington, DC 20410
via <https://www.reginfo.gov/public/do/PRAMain> and
<https://www.regulations.gov/docket/HUD-2022-0067>

Re: 30-Day Notice of Proposed Information Collection: Capital Needs
Assessment of Public Housing; OMB Control No.: 2528-New Collection

To Whom it may concern:

On behalf of the Public Health Law Center (PHLC) and WE ACT for Environmental Justice (WE ACT), we appreciate the opportunity to respond to HUD's Request for Notice of Proposed Information Collection: Capital Needs Assessment of Public Housing.

The Public Health Law Center (PHLC or the Center) is a nonprofit organization working to advance equitable public health policies through the power of law. For over 20 years, the Center has fought to regulate and eliminate commercial tobacco products, increase access to healthy food, support physical activity, promote equitable transportation, and improve environmental health as a means of reducing chronic disease. PHLC partners with Tribal leaders, federal agencies, health advocacy organizations, state and local governments, and many others to combat systems of institutional racism and create healthier communities across the country.

In keeping with these goals, the Center recently expanded its scope of work to include the pursuit of healthy housing, especially for the historically disenfranchised who are now most vulnerable to the devastating impacts of climate change. Most recently, we led a coalition of environmental and social justice groups in petitioning HUD for equitable decarbonization of public housing. We are now working to provide jurisdictions with legal technical assistance to support efforts to enact progressive building performance standards in support of electrification and reduced energy burden.

WE ACT is a nonprofit organization whose mission is to empower and organize low-income and/or communities of color to build healthy communities. Since 1988, WE

ACT has advocated for better environmental health through community-based participatory research and evidence-based campaigns. WE ACT recently completed an air quality study called Out of Gas, In With Justice in a HUD-funded New York City Housing Authority building to show the feasibility and challenges of building decarbonization, as well as the health impacts of transitioning away from fossil fuels for HUD residents.

Given the significant capital investments needed to equitably decarbonize public housing, PHLC and WE ACT jointly submit the following comments in response to HUD's proposed collection of information for the Capital Needs Assessment of Public Housing. Overall, these comments support the issuance of a Capital Needs Assessment Survey and the distribution of survey results to residents and healthy housing advocates.

1. Overall, PHLC and WE ACT support the issuance of a Capital Needs Assessment survey. This type of evaluation would be extremely beneficial to our work on behalf of public housing residents. PHAs are particularly vulnerable to climate impacts, and therefore need to be planning for climate disasters and pursuing projects that increase resiliency. These efforts should include financial support and incentives for all anticipated and planned capital needs. We request an opportunity to review and comment on the survey in advance of its publication as well as an opportunity to review all survey results.
2. While it is difficult to assess the time burden on the responding PHAs without viewing the actual survey, PHLC and WE ACT believe HUD should remain flexible should PHAs project costs in excess of those predicted in HUD's proposal because responding may require input from multiple PHA staff members. In order to minimize the time burden on PHAs, HUD should ensure clear formatting and language in the survey design and should not request information that is already available through other HUD reporting systems or sources.
3. PHLC and WE ACT believe the quality, utility and clarity of information obtained through the proposed survey can be enhanced by seeking resident feedback regarding the capital needs of their buildings and surrounding facilities. This engagement is particularly important because PHA residents directly understand the needs of their communities and homes yet are often left out of decision-making processes. Participation in the initial stages of this process would increase resident advocacy and allow for a better understanding of the CNA process and prioritization of projects within a PHA.

Additionally, the proposed survey can be enhanced by:

- Ensuring the survey covers all areas of work necessary to bring projects up to applicable local, state, and federal health and safety standards, including HUD's National Standards for Physical Inspection of Real Estate (NSPIRE)
- Asking how PHAs are incorporating long-term planning into their CNA responses
- Asking how PHAs are working to accomplish any precursors to large comprehensive upgrades
- Asking how PHA buildings are metered for utilities
- Asking whether PHA buildings are benchmarked, and if not what changes would be needed to facilitate benchmarking through Energy Star Portfolio Manager
- Following best practices for data release and publication
- Sharing the survey results with all PHAs, tenants and other stakeholders

PHAs should also be asked:

- About their practices for tracking fossil fuel infrastructure and utility service
- Whether high utility costs trigger or increase capital expenditures like more efficient systems/appliances or fuel-switching
- How they prioritize capital needs
- How they pursue funding opportunities outside of the Capital Fund, including common barriers to obtaining outside funding
- What is working well with capital needs planning
- What info does HUD require that PHAs do not find useful in their planning processes
- About any relevant sustainability agendas and how they factor into capital needs planning

4. In terms of minimizing the burden of the collection of information from PHA respondents, PHLC suggests the survey questions should be available outside of the survey platform (e.g. posted on HUD's website and available for print) . This allows multiple staff members to review and gather information for the PHA's response simultaneously. Electronic submissions should be allowed in addition to hard copy submissions.
5. Additionally, the burden of the information collection on PHA respondents could be minimized by establishing a defined timeframe for submission and by utilizing a system that easily allows for data sharing with non-HUD partners.

Thank you again for the opportunity to respond to HUD's Request for Notice of Proposed Information Collection: Capital Needs Assessment of Public Housing. We look forward to seeing our comments reflected in the survey and we welcome the opportunity to comment on the survey itself before it is distributed to PHAs.

Sincerely,
Public Health Law Center
875 Summit Ave
St. Paul, MN 55105

WE ACT for Environmental Justice
1854 Amsterdam Avenue (at 152nd Street)
2nd Floor
New York, New York 10031